







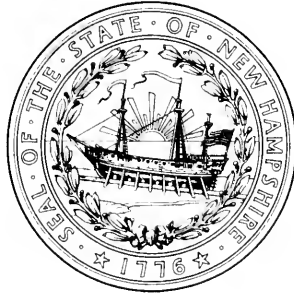








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2003 Session  
December 4, 2002  
through  
September 4, 2003

GENE G. CHANDLER  
SPEAKER

KAREN O. WADSWORTH  
CLERK

DEBORAH NIELSEN  
SERGEANT-AT-ARMS

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# HOUSE JOURNAL No. 1

Wednesday, December 4, 2002

On the first Wednesday in December in the year of our Lord, two thousand two, it being the day designated by the Constitution for assembling, the one hundred and fifty-eighth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Prayer was offered by The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, in You we live and move and have our being. We ask Your blessing today upon our beloved New Hampshire and upon those who serve in public office. We especially remember this honorable House, our Governor and Governor-elect, our Senators and the Supreme Court. The recent election is now concluded and the ballots have been counted. May history record that the voice of a free people has been heard and that democracy is declared the winner.

As each representative here renews their pledge to promote and defend the well-being of all our citizens, give them courage, wisdom and compassion as they work through the difficult issues they will face. We also ask Your blessing to be upon their loved ones. As always we ask that Your protective hand be upon those members of our armed forces, police and fire service who are in harm's way today. May our gratitude for their sacrifice never cease and may all that is done in this House be worthy of their service. Amen.

Rep.-elect James E. Wheeler led the Pledge of Allegiance.

The National Anthem was sung by Lisa Itse, wife of Rep.-elect Itse.

## LEAVES OF ABSENCE

Reps.-elect Allison and Joseph Manning, the day, illness.

Reps.-elect Balcom, Julie Brown, Cail, Desmarais, Hollinger and Soltani, the day, important business.

Rep.-elect McHugh, the day, illness in the family.

## CALL OF THE ROLL

(Clerk in the Chair)

### BELKNAP COUNTY

#### DISTRICTS 29-31

**Dist. No. 29 (3)** (Center Harbor, New Hampton, Sanbornton, Tilton)

Omer C. Ahern, Jr., r; Robert J. Laflam, r; Fran Wendelboe, r

**Dist. No. 30 (7)** (Laconia, Meredith)

Glenn E. Dewhirst, r; James Fitzgerald, r; Donald H. Flanders, r; Robert G. Holbrook, r; David M. Lawton, r; Stephen H. Nedeau, r; Thomas Rice, Jr., r

**Dist. No. 31 (8)** (Alton, Barnstead, Belmont, Gilford, Gilmanton)

Janet Allen, r; Gordon E. Bartlett, r; Laurie J. Boyce, r; Charles L. Clark, r; James P. Pilliod, r;

David H. Russell, r; John H. Thomas, r; Michael D. Whalley, r

### CARROLL COUNTY

#### DISTRICTS 4-8

**Dist. No. 4 (4)** (Bartlett, Chatham, Conway, Hale's Location, Hart's Location, Jackson)

Carolyn Brown, r&d; Gene G. Chandler, r&d; Howard C. Dickinson, r; Henry P. Mock, r

**Dist. No. 5 (1)** (Albany, Eaton, Madison)

Donald R. Philbrick, r

**Dist. No. 6 (3)** (Freedom, Ossipee, Sandwich, Tamworth)

David L. Babson, Jr., r; Mark McConkey, r; Harry C. Merrow, r

**Dist. No. 7 (4)** (Moultonborough, Tuftonboro, Wolfeboro)

Mark S. Derby, r; Paul R. Hatch, r; Betsey L. Patten, r&d; Stanley E. Stevens, r

**Dist. No. 8 (2)** (Brookfield, Effingham, Wakefield)

Bettie Kenney, r; J. Lisbeth Olimpio, r&d

**CHESHIRE COUNTY****DISTRICTS 24-28**

**Dist. No. 24 (4)** (Alstead, Gilsum, Marlow, Nelson, Roxbury, Stoddard, Sullivan, Surry, Walpole, Westmoreland)

Robert C. Batchelder, d; Daniel A. Eaton, d; John Laurent, r; John M. Pratt, d

**Dist. No. 25 (7)** (Keene)

James T. Dunn, d; Peter S. Espieffs, d; Douglas K. Fish, r; David R. Meader, d;

Timothy N. Robertson, d; Pamela Russell Slack, d; Charles F. Weed, d

**Dist. No. 26 (5)** (Chesterfield, Fitzwilliam, Hinsdale, Richmond, Winchester)

McKim W. Mitchell, d; Henry A.L. Parkhurst, d; Irene A. Pratt, d;

Barbara H. Richardson, d; Edwin O. Smith, r

**Dist. No. 27 (4)** (Harrisville, Marlborough, Swanzey, Troy)

Peter H. Allen, d; Elected, not sworn; George J. Liebl, r; Anna Z. Tilton, d

**Dist. No. 28 (4)** (Dublin, Jaffrey, Rindge)

John B. Hunt, r; Elected, not sworn; H. Charles Royce, r; Amy Webber, d

**COOS COUNTY****DISTRICTS 1-3**

**Dist. No. 1 (2)** (Atkinson & Gilmanton Academy Grant, Cambridge, Clarksville, Colebrook, Columbia, Dix's Grant, Dixville, Dummer, Errol, Erving's Location, Millsfield, Odell, Pittsburg, Second College Grant, Stewartstown, Wentworth Location)

Frederick W. King, r&d; Eric G. Stohl, r&d

**Dist. No. 2 (5)**(Bean's Grant, Carroll, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dalton, Gorham, Green's Grant, Hadley's Purchase, Jefferson, Kilkenny, Lancaster, Low and Burbanks Grant, Martins Location, Northumberland, Pinkham's Grant, Randolph, Sargent's Purchase, Stark, Stratford, Thompson and Meserve's Purchase, Whitefield)

Mark Brady, r; Lawrence J. Guay, r; Leighton C. Pratt, r; Herbert D. Richardson, r&d;

John E. Tholl, Jr., r

**Dist. No. 3 (4)** (Bean's Purchase, Berlin, Milan, Shelburne, Success)

Edgar H. Mears, d; Richard L. Poulin, d; Robert L. Theberge, d; David S. Woodward, r

**GRAFTON COUNTY****DISTRICTS 9-18**

**Dist. No. 9 (2)** (Littleton, Lyman)

Stephanie Eaton, r&d; Michael Gilman, r&d

**Dist. No. 10 (1)** (Bethlehem, Franconia)

Edward Densmore, d&r

**Dist. No. 11 (2)** (Bath, Easton, Landaff, Lincoln, Lisbon, Livermore, Monroe, Sugar Hill, Waterville Valley)

Edmond Gionet, r&d; Gregory M. Sorg, r

**Dist. No. 12 (1)** (Thornton, Woodstock)

Bonnie Ham, r

**Dist. No. 13 (2)** (Benton, Haverhill, Piermont, Warren)

Robert J. Giuda, r&d; Paul Ingbreton, r

**Dist. No. 14 (2)** (Campton, Ellsworth, Orford, Rumney, Wentworth)

John R.M. Alger, r&d; Robert R. Barker, r

**Dist. No. 15 (2)** (Hebron, Plymouth)

Mary R. Cooney, d; Debra A. Naro, d

**Dist. No. 16 (3)** (Alexandria, Ashland, Bridgewater, Bristol, Groton, Holderness)

Andrew L. Dorsett, r; Margie Maybeck, r; Burton W. Williams, r

**Dist. No. 17 (7)** (Canaan, Dorchester, Enfield, Grafton, Hanover, Lyme, Orange)

Bernard L. Benn, d; Ruth Bleyler, d; Estelle Diamond, d; Sharon L. Nordgren, d;

Nancy M. Scovner, d; Hilda W. Sokol, d; Peter E. Solomon, d

**Dist. No. 18 (4)** (Lebanon)

Ralph L. Akins, r; Susan W. Almy, d; Terri C. Dudley, r; Lee Hammond, d



**HILLSBOROUGH COUNTY****DISTRICTS 42-66****Dist. No. 42 (3)** (Antrim, Hancock, Hillsborough, Windsor)

Kimberley O.M. Dionne, r; Larry G. Elliott, r&amp;d; Edward R. Leach, r&amp;d

**Dist. No. 43 (2)** (Bennington, Deering, Francestown, Greenfield)

Jarvis Adams, IV, r; Lori O'Brien, r

**Dist. No. 44 (4)** (Greenville, New Ipswich, Peterborough, Sharon)

Donald Carlson, r; Mark Carter, r; Anne-Marie Irwin, d; Larry Ross, r

**Dist. No. 45 (4)** (Lyndeborough, Mont Vernon, New Boston, Temple, Wilton)

Timothy Allen, r; Pierre W. Bruno, r; Pamela D. Coughlin, r; Marge Hallyburton, r

**Dist. No. 46 (4)** (Brookline, Hollis, Mason)

Thomas I. Arnold, Jr., r; Richard B. Drisko, r; Carolyn M. Gargas, r; Harry M. Haytayan, Jr., r

**Dist. No. 47 (8)** (Amherst, Milford)

Peter F. Bergin, r; Cynthia J. Dokmo, r; Ryan Hansen, r; Robert H. Rowe, r; Lee G. Slocum, r;

Paul D. Spiess, r; Stephen B. Stepanek, r; James E. Wheeler, r

**Dist. No. 48 (8)** (Goffstown, Weare)

Lawrence A. Emerton, Sr., r&amp;d; Richard E. Fletcher, r; Randolph Holden, r&amp;d;

Gary S. Hopper, r; Bruce F. Hunter, r; Neal M. Kurk, r&amp;d; Karen K. McRae, r&amp;d; Robert L. Wheeler, r&amp;d

**Dist. No. 49 (6)** (Manchester Ward 1, 12)

Bill Beaton, r; Robert F. Chabot, r; Carlos E. Gonzalez, r; Christopher Pappas, d; Marc P. Pappas, r;

Sandra J. Reeves, r

**Dist. No. 50 (11)** (Manchester Ward 2, 3, 10, 11)

Paul A. Brassard, d; Elected, not sworn; William K. Clayton, d; James W. Craig, d; Gary C.

Greenberg, r; Frank C. Guinta, r; Barbara J. Hagan, r; Charles Laflamme, r; Irene M. Messier, r;

Peter M. Sullivan, d; Saghir A. Tahir, r

**Dist. No. 51 (3)** (Manchester Ward 4)

Lionel W. Johnson, d; Leo P. Pepino, r; Kathleen Souza, r

**Dist. No. 52 (3)** (Manchester Ward 5)

Alice T. McDonough-Wallace, d; Eric Palangas, d; Francis Sullivan, d

**Dist. No. 53 (3)** (Manchester Ward 7)

Jeffrey H. Carter, r; Elected, not sworn; Robert J. Haley, d

**Dist. No. 54 (3)** (Manchester Ward 6)

Benjamin C. Baroody, d; William Infantine, r; Bernard Luebker, r

**Dist. No. 55 (3)** (Manchester Ward 9)

J. Gail Barry, r; Maurice L. Pilotte, d; Barbara E. Shaw, d

**Dist. No. 56 (3)** (Manchester Ward 8)

Raymond Buckley, d; Jeffrey Sullivan, r; Steve Vaillancourt, r

**Dist. No. 57 (6)** (Bedford)

Maurice E. Goulet, r; John A. Graham, r; Ken Hawkins, r; J. Edward Kerns, r; Edward P. Moran, r;

Michael J. Scanlon, r

**Dist. No. 58 (11)** (Litchfield, Merrimack)

Elected, not sworn; Peter L. Batula, r&amp;d; Robert W. Brundige, r&amp;d; D. L. Chris Christensen, r&amp;d;

Dennis H. Fields, r&amp;d; John Gibson, r; Charles Q. Hall, r; Peyton Hinkle, r; Robert J. L'Heureux,

r&amp;d; Robert H. Milligan, r&amp;d; Maureen Mooney, r

**Dist. No. 59 (3)** (Nashua Ward 2)

Michael A. Balboni, r; Elenore Crane, r; Robert S. Mercer, r

**Dist. No. 60 (3)** (Nashua Ward 3)

Nancy M. Ford, r; Paul Harrington, r; Lori A. Movsesian, d

**Dist. No. 61 (3)** (Nashua Ward 1)

Paul G. LaFlamme, r; Henry McElroy, r; Elected, not sworn

**Dist. No. 62 (6)** (Nashua Wards 4, 6)

Jane A. Clemons, d; David E. Cote, d; Mary J. Gorman, d; Debra Kudalis, d; Roland J. Lefebvre, d;

Cynthia P. Sweeney, d

**Dist. No. 63 (3)** (Nashua Ward 5)

Nelson S. Allan, r; Angeline A. Kopka, d; William E. Mosher, r

**Dist. No. 64 (3)** (Nashua Ward 9)

Lawrence A. Artz, r; Christine M. Furman, r; Pamela Price, r

**Dist. No. 65 (6)** (Nashua Wards 7, 8)

Albert C. Cernota, r; Peter R. Cote, d; Claudette R. Jean, d; Christine M. Konys, d; Bette R. Lasky, d; Joan H. Schulze, d

**Dist. No. 66 (11)** (Hudson, Pelham)

Jean-Guy J. Bergeron, r; David M. Bouchard, r; David L. Buhlman, r; Lars T. Christiansen, r; Peter R. Goyette, Jr. r; Shawn N. Jasper, r; James H. Lawrence, III, r; Rudy Lessard, r; Chris Malloy, d; Russell T. Ober, III, r; Joan C. Tate, r

**MERRIMACK COUNTY****DISTRICTS 32-41****Dist. No. 32 (2)** (Danbury, New London, Wilmot)

Alf E. Jacobson, r; Tom McCormick, r

**Dist. No. 33 (3)** (Franklin, Hill)

Robert O. Ouellette, r; Randy J. Perkins, d; Dennis Reed, r

**Dist. No. 34 (6)** (Bradford, Henniker, Hopkinton, Newbury, Sutton, Warner, Webster)

J.D. Colcord, r; David P. Currier, r; Barbara C. French, d; Christine C. Hamm, d; Derek Owen, d; Richard Kennedy, r

**Dist. No. 35 (6)** (Andover, Boscawen, Canterbury, Loudon, Northfield, Salisbury)

Claire D. Clarke, d; Christopher H. Dunne, r; Al Foley, r; William E. Leber, r; Priscilla P. Lockwood, r; Roy D. Maxfield, r

**Dist. No. 36 (3)** (Chichester, Pembroke)

Frank W. Davis, d; Bill Field, r; Deanna P. Rush, d

**Dist. No. 37 (8)** (Allenstown, Epsom, Hooksett, Pittsfield)

Leo W. Fraser, Jr., r; David W. Hess, r; Stephen R. L'Heureux, r; Ray F. Langer, r; Dick Marple, r; Edward H. Nutter, r; James H. Oliver, r; Elected, not sworn

**Dist. No. 38 (4)** (Concord Wards 1, 2, 3)

Elizabeth Blanchard, r; Eric M. Daniels, r; Mary Stuart Gile, d; Frances D. Potter, d

**Dist. No. 39 (5)** (Concord Wards 4, 8, 9, 10)

Candace C.W. Bouchard, d; John DeJoie, d; James R. MacKay, r; Tara G. Reardon, d; Gloria Seldin, d

**Dist. No. 40 (4)** (Concord Ward 5, 6, 7)

Don Brueggemann, d; Elizabeth S. Hager, r; Jessie L. Osborne, d; Mary Jane Wallner, d

**Dist. No. 41 (3)** (Bow, Dunbarton)

Eric Anderson, r; Stephen T. DeStefano, d; Leon S. Kenison, r

**ROCKINGHAM COUNTY****DISTRICTS 73-88****Dist. No. 73 (5)** (Candia, Deerfield, Northwood, Nottingham)

Elbert Bicknell, r; Harriet E. Cady, r; Robert A. Johnson, r; Rudolph J. Kobel, r; Joseph E. Stone, r&amp;d

**Dist. No. 74 (3)** (Raymond)

Franklin C. Bishop, r&amp;d; Donald C. Smith, Jr., r&amp;d; Norman E. Weldy, Jr., r&amp;d

**Dist. No. 75 (9)** (Auburn, Londonderry)

Sharon M. Carson, r; Dudley D. Dumaine, r; James Headd, r; Karen K. Hutchinson, r; Robert E. Introne, r; Betsy McKinney, r; Sherman A. Packard, r; Paul C. Smith, r; C. Donald Stritch, r

**Dist. No. 76 (13)** (Salem, Windham)

Ronald J. Belanger, r; Richard T. Cooney, r; Janeen Dalrymple, r; Anthony R. DiFruscia, r; Christopher L. Doyle, r; Mary E. Griffin, r; James E. Holland, Jr., r; Russell F. Ingram, r;

John J. Manning, Jr., r; Charles E. McMahon, r; Richard A. Noyes, r; Anne K. Priestley, r; Kevin Waterhouse, r

**Dist. No. 77 (11)** (Derry)

Ron Dupuis, r; Bob M. Fesh, r; John P. Gleason, r; Kenneth H. Gould, r&amp;d; George N. Katsakiores, r; Phyllis M. Katsakiores, r; John S. Langone, r&amp;d; Robert J. Letourneau, r; James B. Rausch, r; Robert W. Wiley, r; William R. Zolla, r

**Dist. No. 78 (2)** (Atkinson)

Natalie S. Flanagan, r; George Winchell, r

**Dist. No. 79 (11)** (Chester, Danville, Hampstead, Kingston, Plaistow, Sandown)

Kevin L. Camm, r&d; Vivian R. Clark, r&d; Cory E. Corbin, r; James J. Duffy, r; John W. Flanders, Sr., r&d; Albert W. Hamel, r&d; Norman L. Major, r&d; Ed M. Putnam, II, r&d; Thomas A. Varrell, r&d; David A. Welch, r&d; Kenneth L. Weyler, r&d

**Dist. No. 80 (4)** (Brentwood, Epping, Fremont)

Robert K. Dodge, r; Mary Lou Flayhan, r&d; Daniel C. Itse, r; Matthew Vallone, d

**Dist. No. 81 (2)** (East Kingston, Newton)

Mary M. Allen, r; Kim Casey, d

**Dist. No. 82 (3)** (Newfields, Newmarket)

Betsy A. Coes, d; Bob Davidson, d; Karl I. Gilbert, r

**Dist. No. 83 (8)** (Exeter, North Hampton, Stratham)

Jeffrey D. Gilbert, r; Rogers J. Johnson, r; Matthew J. Quandt, r; Carl G. Robertson, r;

Kurt J. Roessner, r; Walter D. Ruffner, r; Stella Scamman, r; Arthur Tufts, r

**Dist. No. 84 (4)** (Hampton Falls, Kensington, Seabrook, South Hampton)

Richard A. McCann, r; Benjamin E. Moore, r; Richard W. Morris, r; E. Albert Weare, r

**Dist. No. 85 (5)** (Hampton)(5)

Russell D. Bridle, r; Sheila T. Francoeur, r; Thomas J. Gillick, Jr., r; Jane P. Kelley, r; Michael O'Neil, r

**Dist. No. 86 (7)** (Newington, Portsmouth)

MaryAnn N. Blanchard, d; Paul McEachern, d; Terie Norelli, d; Laura C. Pantelakos, d; Jacqueline

A. Pitts, d; Elizabeth C. Shultis, d; James R. Splaine, d

**Dist. No. 87 (1)** (Greenland)

Bruce L. Dearborn, r

**Dist. No. 88 (2)** (New Castle, Rye)

Daniel M. Hughes, r; Jane S. Langley, r

**STRAFFORD COUNTY****DISTRICTS 67-72****Dist. No. 67 (14)** (Rochester, Rollinsford, Somersworth)

Russell A. Albert, r; Alan Bemis, r; Roger R. Berube, d&r; Elected, not sworn; Frank D. Callaghan, d;

Irene T. Creteau, d; Patricia C. Dunlap, r; Anne C. Grassie, d; Elected, not sworn; Sandra B. Keans, r;

Clifford A. Newton, r; Deanna S. Rollo, d&r; Clair A. Snyder, d&r; James E. Twombly, r

**Dist. No. 68 (8)** (Barrington, Farmington, Middleton, Milton, New Durham, Strafford)

David A. Bickford, r; W. Campbell, r; Santo A. Cataldo, r; Timothy E. Easson, r; Michael D.

Harrington, r; Nancy K. Johnson, d; George T. Musler, r; Dennis P. Vachon, d

**Dist. No. 69 (3)** (Dover Wards 5, 6)

Roland Hofemann, d; William V. Knowles, d; Phyllis L. Woods, r

**Dist. No. 70 (3)** (Dover Ward 1, 2)

Peter B. Schmidt, d; Katherine L. Taylor, d; Kathleen N. Taylor, d

**Dist. No. 71 (3)** (Dover Ward 3, 4)

Elected, not sworn; Arthur J. Pelletier, d&r; David Scott, r

**Dist. No. 72 (6)** (Durham, Lee, Madbury)

Naida Kaen, d&r; Joe Miller, d; Emma L. Rous, d; Marjorie K. Smith, d&r; Judith T. Spang, d;

Janet G. Wall, d&r

**SULLIVAN COUNTY****DISTRICTS 19-23****Dist. No. 19 (2)** (Cornish, Grantham, Plainfield)

Peter H. Burling, d; Constance A. Jones, r

**Dist. No. 20 (3)** (Croydon, Goshen, Newport, Springfield, Washington)

Gordon B. Flint, r; Peter E. Franklin, d; Beverly T. Rodeschin, r

**Dist. No. 21 (1)** (Sunapee)

Richard C. Leone, r&d

**Dist. No. 22 (5)** (Claremont, Lempster, Unity)

Elected, not sworn; John R. Cloutier, d&r; Tom Donovan, d&r; Joseph D. Harris, d&r; Sandra C.

Harris, d&r

**Dist. No. 23 (2)** (Acworth, Charlestown, Langdon)

Brenda Ferland, d; James G. Phinizy, d&r

With 388 members-elect having answered the call of the roll, a quorum was declared present.

## RESOLUTION

Representatives-elect Hess and Burling offered the following:

RESOLVED, that a committee of three be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed the following: Representatives-elect Howard C. Dickinson, Natalie S. Flanagan and Robert A. Johnson. All are entering their 15<sup>th</sup> term of service in the Legislature.

## INTRODUCTION OF GUESTS

Sue Marineau, Celeste Post, Charlene and Steven Langtry, Jason Duval and Roy Arsenault, guests of Rep.-elect Charles Laflamme. John, James and Roberta Doggett, sons and daughter-in-law of Rep.-elect Mary M. Allen. Melissa Solomon, Jackson and Maddox Angerhoffer, niece and her children, guests of Rep.-elect Solomon. Gerri Roessner, wife of Rep.-elect Roessner. Lucy Merrow, wife of Rep.-elect Merrow. Sherry, Monica, Bradley and Judith Wiley, wife, children and mother of Rep.-elect Wiley. Harold and James Maybeck, husband and son of Rep.-elect Maybeck. Eleanor, Chloe and Whittaker Ingbretonson and Emily Fullerton, guests of Rep.-elect Ingbretonson. Anne Marie Buhlman, wife of Rep.-elect Buhlman. Sandra Oliver, wife of Rep.-elect Oliver. Helen and Gerald Easson; Frank and Lura Jackowski, parents, and guests of Rep.-elect Easson. David Allen, husband of Rep.-elect Janet Allen. Melodye Smith, mother of Rep.-elect Paul Smith. Bill and Dorothy Price, guests of Rep.-elect Price. John Kopka and Janice Kopka Geno and Tamara Geno, son, daughter and granddaughter of Rep.-elect Kopka. Cecile Jerry and Romuald Theberge, parents of Rep.-elect Theberge. Lois Hofemann and Catherine Sorenson, guests of Rep.-elect Hofemann. Dianne Beaton, wife of Rep.-elect Beaton. Joy, Nathaniel and Bethany Wheeler, and Everett and Muriel Wheeler, mother, brother, sister and grandparents of Rep.-elect James Wheeler. Mildred Gionet, wife of Rep.-elect Gionet. Richard Osborne, husband of Rep.-elect Osborne. Richard French, guest of Rep.-elect Parkhurst. Mr. and Mrs. Montminy, Mr. and Mrs. John DeJoie, Sr., Linda, Katharine and Evan DeJoie, guests of Rep.-elect DeJoie. Victor Schulze, husband of Rep.-elect Schulze. Roberta and Joan Ingram, and Ruth Kimball, wife, daughter and sister of Rep.-elect Ingram. Lorraine Headd, wife of Rep.-elect Headd. Jill, John and Stephen Slocum, wife and sons of Rep.-elect Slocum. Dennis Gillick, Mr. and Mrs. Bambury and William Driscoll, son and guests of Rep.-elect Gillick. Joseph and Verna Davy, Charlie and Sherily Elliott, guests of Reps.-elect Dionne, O'Brien and Elliott. Robert, Eleanor, Doreen, Joseph, Kathleen, Jaimie and Ashleigh O'Brien, guests of Rep.-elect O'Brien. Kelly Daniels and Mike Bales, guests of Rep.-elect Daniels. Michelle, Kaitlynn, Lindsey, Gregory and Douglas Carter, and Donald and Judith Carter, wife, daughters, sons and parents of Rep.-elect Mark Carter. Bonnie Reed, wife of Rep.-elect Reed. Omer and Rosa Ahern, parents of Rep.-elect Ahern. William, Judith and Elizabeth Sullivan, and Lisa Tremblay, parents, sister and friend of Rep.-elect Jeffrey Sullivan. Edward and Virginia Rinaldi and Chris Samuelson, parents and husband of Rep.-elect Crane. Bonnie, Henry and Bea Newton, guests of Rep.-elect Newton. Freddie Belanger, Sue McFarland and Nancy Brewer, guests of Rep.-elect Bemis. David and Joshua Irwin, guests of Rep.-elect Irwin. Ruth and Marvin McConkey, E. William and May Lundberg, guests of Rep.-elect McConkey. Gloria and Paul Pilotte, Robert and Lucienne Jobin, wife, son, and parents-in-law, guests of Rep.-elect Pilotte. Flora Jones, Nancy and Justin Chandler, Dale and Marlene Cashman, Mikell and Chris Perry, Ellen Sheehan, Lynn Jones and Corie Ewers, mother, wife and son, wife's parents, sister, nephew, sister-in-law and friends, guests of Rep.-elect Chandler. Purr Whalley, wife of Rep.-elect Whalley. Jennifer, Jack, Karyn, Patricia and Peter Hansen, Jayne and Shawn Millerick, wife, son, sister, parents and guests of Rep.-elect Hansen. Alan Blanchard, husband of Rep.-elect Elizabeth Blanchard. Regina and Garrett Malloy, Ann Horrigan, Kevin Wall, Rachael and Kathy Lastoff and Jim Nagel, mother and brother, grandmother, uncle and guests of Rep.-elect Malloy. Norrine T., Norrinne M. and William D. Field, wife, daughter and son of Rep.-elect William Field. Robert Therrien, Darin Guyer, Rhonda Fallansbee and Steve McMahon, husband, son and guests of Rep.-elect Carolyn Brown. Dr. and Mrs. Robert LaFlam and Michelle, son, daughter-in-law and granddaughter of Rep.-elect Robert LaFlam. Loretta Zisk, Jose

and Zulma Lugo, German Ortiz, Pete and Rosa Escalera, Jeane Max Darbouze, Chris Archeambault and Charlie Pace, guests of Rep.-elect Gonzalez. Lorinda Rausch, wife of Rep.-elect Rausch. Kathleen and Sharen Morris, Erin Morris-Newman, Branden Holmes-Morris, Tanya Holmes, John and Patrick Meehan and Marty McGuire, mother, sisters, son and guests of Rep.-elect Morris. Constance and Mara Lawrence, and James Lawrence, Jr., wife, daughter and father of Rep.-elect Lawrence. Cheryl Cataldo, wife of Rep.-elect Cataldo. Yvonne Vermette, Carmine and Anne Cioffi and Donna Dascoulais, guests of Rep.-elect Cady. Patricia Allan, wife of Rep.-elect Nelson Allan. Eugena, Heather, Holly and Chris Winchell, and Pauline Winchell, wife, children and mother of Rep.-elect Winchell. Allison, Harry III, Natalie and Jacquelyn Haytayan, wife, son and daughters of Rep.-elect Haytayan. Sandra Ziehm, Dr. Andrew Templeman, Kenneth Fortune and Bernie Bastian, guests of Rep.-elect McElroy. Robert and Betty Clayton, John Clayton, Kyle and Cameron Clayton and Debra Beauschesne, parents, brother, sons and guest of Rep.-elect Clayton. Milvia Elliott, daughter of Rep.-elect Mosher. Dorene and Casey Rachel Dupuis, wife and daughter of Rep.-elect Dupuis. David Konys, husband of Rep.-elect Konys. Irene Dodge, wife of Rep.-elect Dodge. Lynne Ober, wife of Rep.-elect Ober. Adeel Tahir, Honorable Barry Hoffman, Jack Murphy and Roger Talanian, son and guests of Rep.-elect Tahir. Stanley J. Mulley, Billy Vantassel, Honorable Rick Cogswell, Honorable Nancy Wall, Heather and Thomas Kyle, Larry Farley, Roger Doucette, Bob Plourde, guests of Rep.-elect Flayhan. Joyce Hawkins, wife of Rep.-elect Hawkins. Sean, Katie and Kelly Hagan, children of Rep.-elect Hagan. Adrienne Sorg and Shannon McNamara, daughter and guest of Rep.-elect Sorg. Ruthann Williams and Jeanne Duchesneau, wife and guest of Rep.-elect Williams. Lisa, Jessica and Ariel Itse and Jessica Fairbanks, wife, daughters and guest of Rep.-elect Itse. Theresa Goyette, Michelle, Donald, Meagan, Dyllan and Brianna Johnson, Michael and Spencer Goyette, George Goyette, Peter Laughlin, Robert and Judy Blazon, Regina Fuller, Ruth Ann Dunfey, Clark Graves; Joseph and Patricia Fuller, and John Sech, wife, family and guests of Rep.-elect Goyette. David Pitts, son of Rep.-elect Pitts. Sharron Smith, wife of Rep.-elect Edwin O. Smith. Brenda Major, wife of Rep.-elect Major. Anita Hinkle, wife of Rep.-elect Hinkle. Kathleen, Marc and Kara DiFruscia, Tammy Lajoie, Alec, Nicholas and Julia; and Antoinette and Darryl Miedico, wife, son, daughters, grandchildren and guests of Rep.-elect DiFruscia. Ed and LuAnn Brueggemann and Erin Waters, parents and daughter of Rep.-elect Brueggemann. Anne, Michael Jr. and Christen Scanlon, wife, son and daughter of Rep.-elect Scanlon. Ellen DeStefano, wife of Rep.-elect DeStefano. Honorable Michael Rollo, son of Rep.-elect Rollo. Joseph Gorman, guest of Rep.-elect Gorman. Anne-Marie Letourneau, Diane and Marissah Gallien, wife, daughter and granddaughter of Rep.-elect Letourneau. Cindy Woodward, Vicky and Christopher Ayer; Ronald and Jennifer Goudreau and Azingon Umarov, wife and guests of Rep.-elect Woodward. Velda Ruffner, wife of Rep.-elect Ruffner. Martha E. Bartlett, guest of Rep.-elect Bartlett. Doris Johnson, mother of Rep.-elect Nancy Johnson. Rick Hartung and Harry Santacrose, guests of Rep.-elect Camm. Patricia Davis, wife of Rep.-elect Davis. Ronald Rush, husband of Rep.-elect Rush. Fred Branscombe, guest of Reps.-elect Katherine Taylor and Kathleen Taylor. John J. Coughlin, husband of Rep.-elect Coughlin. Marianne, Daniel, Jonathan and Matthew Artz, wife and sons of Rep.-elect Artz. Judith Pilliod, guest of Rep.-elect Pilliod. Wellington P. Bartels IV, guest of Rep.-elect DeJoie.

### OATH OF OFFICE

Governor Jeanne Shaheen, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wiczorek and David K. Wheeler. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

### ELECTION OF HOUSE SPEAKER

The Chair declared that nominations for Speaker were in order.

Rep. Mock placed the name of Rep. Gene G. Chandler in nomination for Speaker. Rep. Connie Jones seconded the nomination.

Rep. Burling moved that nominations for Speaker be closed and that Gene G. Chandler be unanimously elected as Speaker of the House.

Adopted.

The Sergeant-at-Arms escorted Speaker Chandler to the rostrum. The Speaker addressed the House.

**(Speaker Chandler in the Chair)**

**ELECTION OF HOUSE OFFICERS**

The Speaker declared nominations were in order for Clerk.

Rep. Kurk placed in nomination the name of Karen O. Wadsworth for Clerk.

Rep. Leach seconded the nomination.

There being no further nominations, the Speaker declared nominations closed and cast one ballot for Karen O. Wadsworth and declared Karen O. Wadsworth the duly-elected Clerk of the House for the 2003-2004 biennium.

The Speaker declared nominations were in order for Sergeant-at-Arms.

Rep. Thomas placed in nomination the name of Deborah Nielsen for Sergeant-at-Arms.

Rep. Francoeur seconded the nomination.

There being no further nominations, the Speaker declared nominations closed and instructed the Clerk to cast one ballot for Deborah Nielsen and declared Deborah Nielsen the duly-elected Sergeant-at-Arms for the 2003-2004 biennium.

The Speaker administered the oath of office to Karen O. Wadsworth and Deborah Nielsen.

**RESOLUTION**

Reps. Hess and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

**SENATE MESSAGES**

The Senate has met and organized and has elected as its officers: Sen. Thomas R. Eaton., President; Steven J. Winter, Clerk; Tammy Wright, Assistant Clerk; and Henry W. Wilson, Sergeant-at-Arms. The Senate is ready to meet in joint convention for the purpose of electing the Secretary of State and the State Treasurer.

**JOINT CONVENTION**

**(Speaker Chandler presiding)**

The Speaker called the joint convention to order.

The Chair declared nominations were in order for Secretary of State.

Sen. D'Allesandro placed the name of William M. Gardner in nomination for Secretary of State.

Sen. Barnes and Reps. Lionel Johnson and Stritch seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly-elected Secretary of State for the 2003-2004 biennium.

The Chair administered the oath of office to William M. Gardner. Mr. Gardner addressed the Joint Convention.

The Chair declared nominations were in order for the State Treasurer.

Rep. Weyler placed the name of Michael A. Ablowich in nomination for State Treasurer. Sen. Petersen seconded the nomination.

Rep. Hunt placed the name of David J. Alukonis in nomination for State Treasurer. Sen. Clegg seconded the nomination.

There being no further nominations, the Chair declared nominations closed.

The Chair, at the request of the candidates, named Rep. Weyler and Sen. Petersen as tellers for Michael A. Ablowich and Rep. Hunt and Sen. Clegg as tellers for David J. Alukonis.

With 407 votes being cast, 204 votes were needed for election.

Michael A. Ablowich received 241 votes.

David J. Alukonis received 163 votes.

Two ballots were blank and one ballot was cast for a non-candidate.

The Chair declared Michael A. Ablowich the duly-elected State Treasurer for the 2003-2004 biennium.

Mr. Ablowich addressed the Joint Convention.

Sen. Clegg and Rep. Hess moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## **HOUSE SESSION**

### **(Speaker Chandler in the Chair)**

The Speaker reconvened the House session.

Reps. Hess and Burling offered the following:

### **HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the rules of the 2002 session for the 2003-2004 biennium.

Rep. Hess spoke in favor.

Adopted.

Reps. Hess and Nordgren offer the following:

### **HOUSE RESOLUTION NO. 2**

RESOLVED, That all action taken at all sessions of the House of Representatives be recorded on tapes through the public address system, and that the tapes be used by the Clerk to confirm and correct the permanent journal. The permanent journal as prepared by the Clerk and as may be corrected by the House shall be the official record of the House.

Adopted.

Reps. Francoeur and Nordgren offered the following:

### **HOUSE RESOLUTION NO. 3**

RESOLVED, That the following policy be established for the distribution of House calendars and journals, bills and resolutions to members of the General Court and state departments:

1. Every citizen is entitled, free of charge, to one copy of any publication at the legislative counter or to have the publication mailed to that person upon individual request for one such copy.

2. Persons requesting copies for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

All fees charged for publications in accordance with this resolution shall be fixed with the approval of the Speaker, paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Hess and Nordgren offer the following:

### **HOUSE RESOLUTION NO. 4**

RESOLVED, That the Speaker may employ such personnel as he may deem necessary and, with the approval of the House subcommittee of the Committee on Legislative Facilities, may fix their compensation in accordance with RSA 17-E:5.

Adopted.

Reps. Whalley and Nordgren offer the following:

### **HOUSE RESOLUTION NO. 5**

RESOLVED, That members will be paid their legislative salary, as provided in the Constitution, in the month of January 2003, and

That mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 8, 2003 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HR 1**, relative to adopting the rules of the 2002 session.

**HR 2**, relative to recording House sessions and the permanent journal.

**HR 3**, relative to the distribution of House publications.

**HR 4**, relative to the Speaker employing personnel per RSA 17-E:5.

**HR 5**, relative to legislative salary and mileage payments.

**RECESS MOTION**

Rep. Francoeur moved that the House stand in recess.

Adopted.

The House recessed at 1:25 p.m.

**RECESS****(Speaker Chandler in the Chair)**

The Speaker appointed Standing Committees of the House as follows:

**CHILDREN & FAMILY LAW****REPUBLICANS**

Moran, Edward P., Chairman  
McRae, Karen K., Vice Chairman  
Brown, Julie M.  
Arnold, Thomas I., Jr.  
Bickford, David A.  
Greenberg, Gary C.  
Bouchard, David M.  
Itse, Daniel C.  
Furman, Christine M.  
Gargas, Carolyn M.  
Dokmo, Cynthia J.  
Ouellette, Robert O.  
Hallyburton, Margaret D.  
Allen, Janet F.  
Blanchard, Elizabeth D.

**DEMOCRATS**

Pratt, Irene A.  
Allison, David C.  
Richardson, Barbara Hull  
Johnson, Lionel W.  
Grassie, Anne C.  
Gile, Mary Stuart

**COMMERCE****REPUBLICANS**

Hunt, John B., Chairman  
Fraser, Leo W., Jr., Vice Chairman  
Francoeur, Sheila T.  
Belanger, Ronald J.  
Langley, Jane S.  
DiFruscia, Anthony R.  
Flanders, Donald H.  
Spiess, Paul D.  
Holden, Randolph  
Liebl, George J.

**DEMOCRATS**

Reardon, Tara G.  
Taylor, Kathleen N.  
Meador, David R.  
DeStefano, Stephen T.  
Vachon, Dennis P.  
Kopka, Angeline A.



Quandt, Matthew J.  
 Clark, Charles L.  
 Brady, Mark A.  
 Scamman, Stella  
 Stepanek, Stephen B.

## **CRIMINAL JUSTICE & PUBLIC SAFETY**

### **REPUBLICANS**

Welch, David A., Chairman  
 Tholl, John E., Jr., Vice Chairman  
 Fesh, Bob M.  
 Jones, Constance A.  
 Kennedy, Richard  
 Gilbert, Karl I.  
 Nedeau, Stephen H.  
 Stevens, Stanley E.  
 Weare, E. Albert  
 Bemis, Alan B.  
 Bicknell, Elbert I.  
 Fish, Douglas K.  
 Oliver, James H.  
 Smith, Donald C.  
 Winchell, George D.

### **DEMOCRATS**

Knowles, William V.  
 Berube, Roger R.  
 Callaghan, Frank D.  
 Movesesian, Lori A.  
 Pantelakos, Laura C.  
 Robertson, Timothy N.

## **EDUCATION**

### **REPUBLICANS**

L'Heureux, Stephen R., Chairman  
 Alger, John, R.M., Vice Chairman  
 Dearborn, Bruce L.  
 Flint, Gordon B., Sr.  
 Carson, Sharon M.  
 Colcord, J.D.  
 Balboni, Michael A.  
 Leone, Richard C.  
 McHugh, Claire B.  
 Naro, Debra A.  
 Laurent, John J.  
 Tufts, J. Arthur  
 Carter, Mark S.  
 Hagan, Barbara J.  
 Ingbretson, Paul

### **DEMOCRATS**

Snyder, Clair A.  
 Jean, Claudette R.  
 Clarke, Claire D.  
 Rush, Deanna P.  
 Scovner, Nancy M.  
 Dunn, James T.

## **ELECTION LAW**

### **REPUBLICANS**

Stritch, C. Donald, Chairman  
 Dickinson, Howard C., Vice Chairman  
 Flanagan, Natalie S.  
 Reeves, Sandra J.  
 Kennedy, Richard  
 Drisko, Richard B.  
 Dionne, Kimberley O.M.  
 Whalley, Michael D.  
 Vaillancourt, Steve  
 Luebker, Bernard J.  
 Flayhan, Mary Lou  
 Cady, Harriet E.  
 Derby, Mark S.  
 Dorsett, Andrew L.  
 Infantine, William J.

### **DEMOCRATS**

Clemons, Jane A.  
 Buckley, Raymond  
 Cote, David E.  
 Kony, Christine M.  
 Splaine, James R.  
 Weed, Charles F.

**ENVIRONMENT & AGRICULTURE****REPUBLICANS**

Musler, George T., Chairman  
Babson, David L., Jr., Vice Chairman  
Messier, Irene M.  
Pratt, Leighton C.  
Philbrick, Donald R.  
Dunlap, Patricia C.  
Williams, Burton W.  
Varrell, Thomas A.  
Olimpio, J. Lisbeth  
Ahern, Omer C., Jr.  
Allen, Timothy J.  
Cernota, Albert C.  
Foley, Albert  
Hansen, Ryan N.  
Scott, David

**DEMOCRATS**

Phinizy, James G.  
Owen, Derek  
Allen, Peter H.  
Slack, Pamela R.  
Diamond, Estelle  
Rous, Emma L.

**EXECUTIVE DEPARTMENTS & ADMINISTRATION****REPUBLICANS**

O'Neil, Michael, Chairman  
Hamel, Albert W., Vice Chairman  
Langer, Ray F.  
Goulet, Maurice E.  
Zolla, William R.  
Allan, Nelson S.  
Dexter, Judson K.  
Hall, Charles Q.  
Robertson, Carl G.  
Bergin, Peter F.  
LaFlamme, Paul G.  
Milligan, Robert H.  
Field, William D.  
Fitzgerald, James M.  
Maybeck, Margie

**DEMOCRATS**

Clayton, William K.  
Schulze, Joan H.  
DeJoie, John  
Irwin, Anne-Marie  
Pilotte, Maurice L.  
Sullivan, Francis B.

**FINANCE****REPUBLICANS**

Kurk, Neal M., Chairman  
Weyler, Kenneth L., Vice Chairman  
Holbrook, Robert G.  
Johnson, Robert A.  
Stone, Joseph E.  
Anderson, Eric  
Wendelboe, Fran  
Hager, Elizabeth S.  
Mercer, Robert S.  
Emerton, Larry A.  
Wheeler, Robert L.  
Rodeschin, Beverly T.  
Johnson, Rogers J.  
Elliott, Larry G.  
Dodge, Robert K.  
Hunter, Bruce F.  
King, Frederick W.

**DEMOCRATS**

Wallner, Mary Jane  
Smith, Marjorie K.  
Blanchard, Mary Ann N.  
Coes, Betsy A.  
Mitchell, McKim W.  
Densmore, Edward D.  
Eaton, Daniel A.

**FISH AND GAME****REPUBLICANS**

McKinney, Betsy, Chairman  
 Woodward, David S., Vice Chairman  
 L'Heureux, Robert J.  
 Carlson, Donald  
 Fletcher, Richard E.  
 Tate, Joan C.  
 Varrell, Thomas A.  
 Barker, Robert R.  
 Hopper, Gary S.  
 LaFlam, Robert J.  
 Duffy, James J.  
 Goyette, Peter R., Jr.  
 Lawrence, James H.  
 Manning, John J.  
 Reed, Dennis

**DEMOCRATS**

Perkins, Randy J.  
 Gorman, Mary J.  
 Lefebvre, Roland J.  
 Heon, Richard F.  
 Brassard, Paul A.  
 Solomon, Peter E.

**HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS****REPUBLICANS**

Batula, Peter L., Chairman  
 Dalrymple, Janeen, Vice Chairman  
 Chabot, Robert F.  
 Manning, Joseph P.  
 Katsakiores, Phyllis M.  
 Pilliod, James P.  
 Wendelboe, Fran  
 MacKay, James R.  
 Eaton, Stephanie  
 Barry, J. Gail  
 Brown, Carolyn A.  
 Daniels, Eric M.  
 McMahon, Charles E.  
 Price, Pamela G.  
 Weldy, Norman E., Jr.

**DEMOCRATS**

French, Barbara C.  
 Seldin, Gloria  
 Harris, Sandra C.  
 Sokol, Hilda W.  
 Shultis, Elizabeth C.  
 Miller, Joseph M.

**JUDICIARY****REPUBLICANS**

Mock, Henry P., Chairman  
 Rowe, Robert H., Vice Chairman  
 Jacobson, Alf E.  
 Ford, Nancy M.  
 Dudley, Terri C.  
 Soltani, Tony F.  
 Woods, Phyllis L.  
 Rice, Thomas E.P.  
 Souza, Kathleen  
 Desmarais, Vivian J.  
 Haytayan, Harry M., Jr.  
 Mooney, Maureen C.  
 Morris, Richard W.  
 Sorg, Gregory M.  
 Wheeler, James E.

**DEMOCRATS**

Wall, Janet G.  
 Pratt, John M.  
 Craig, James W.  
 Potter, Frances D.  
 Franklin, Peter E.  
 Lasky, Bette R.

**LABOR, INDUSTRIAL & REHABILITATIVE SERVICES****REPUBLICANS**

Gilman, G. Michael, Chairman  
Bridle, Russell D., Vice Chairman  
Bishop, Franklin C.  
Putnam, Ed M., II  
Corbin, Corey E.  
Kelley, Jane P.  
Christiansen, Lars T.  
Adams, Jarvis M.  
Carter, Jeffrey H.  
Harrington, Paul J.  
Newton, Clifford A.  
Ober, Russell T., III  
Richardson, Herbert D.  
Slocum, Lee G.

**DEMOCRATS**

Mears, Edgar H.  
Baroody, Benjamin C.  
Palangas, Eric  
Gorman, Mary  
Hofemann, Roland  
Kudalis, Debra

**LEGISLATIVE ADMINISTRATION****REPUBLICANS**

Goulet, Maurice E., Chairman  
MacKay, James R., Vice Chairman  
Francoeur, Sheila T.  
Giuda, Robert J.  
Katsakiores, George N.  
Philbrick, Donald R.  
Hutchinson, Karen K.  
Letourneau, Robert J.  
Gonzalez, Carlos E.  
Russell, David H.  
Stohl, Eric G.  
Allan, Nelson S.  
Currier, David P.  
Smith, Paul C.

**DEMOCRATS**

Nordgren, Sharon L.  
Burling, Peter H.  
Norelli, Terie  
Densmore, Edward D.  
Taylor, Katherine L.  
Tilton, Anna Z.

**MUNICIPAL & COUNTY GOVERNMENT****REPUBLICANS**

Patten, Betsey L., Chairman  
Brundige, Robert W., Vice Chairman  
Lockwood, Priscilla P.  
Twombly, James E.  
Boyce, Laurie J.  
Dumaine, Dudley, D.  
Guinta, Frank C.  
Dunne, Christopher H.  
Stohl, Eric G.  
Noyes, Richard A.  
Buhlman, David L.  
Doyle, Christopher L.  
Dupuis, Roland L.  
Gillick, Thomas J.  
Gould, Kenneth H.

**DEMOCRATS**

Johnson, Nancy K.  
Cooney, Mary R.  
Davidson, Robert A.  
Osborne, Jessie L.  
Schmidt, Peter B.  
Theberge, Robert L.

**PUBLIC WORKS & HIGHWAYS****REPUBLICANS**

Smith, Edwin O., Chairman  
 Leber, William E., Vice Chairman  
 Gleason, John P.  
 Moore, Benjamin E.  
 Graham, John A.  
 Holland, James E., Jr.  
 Rausch, James B.  
 Tahir, Saghir A.  
 Keans, Sandra B.  
 Gionet, Edmond D.  
 Kenison, Leon S.  
 McConkey, Mark E.  
 O'Brien, Lori J.  
 Waterhouse, Kevin K.

**DEMOCRATS**

Cloutier, John R.  
 Bouchard, Candace C.W.  
 Benn, Bernard L.  
 Norelli, Terie T.  
 Malloy, Chris S.  
 Vallone, Matthew J.

**RESOURCES, RECREATION & DEVELOPMENT****REPUBLICANS**

Royce, H. Charles, Chairman  
 Lawton, David M., Vice Chairman  
 Cooney, Richard T.  
 Fields, Dennis H.  
 Russell, David H.  
 Bruno, Pierre W.  
 Christensen, D.L. Chris  
 Akins, Ralph L.  
 Camm, Kevin L.  
 Ruffner, Walter D.  
 Cail, Kenneth B.  
 Campbell, W. Packy  
 LaFlamme, Charles F.  
 Merrow, Harry C.  
 Wiley, Robert W.

**DEMOCRATS**

Spang, Judith T.  
 Donovan, Thomas E.  
 McEachern, Paul  
 Bleyler, Ruth Z.  
 Bruueggemann, Donald A.  
 Parkhurst, Henry A.L.

**RULES****REPUBLICANS**

Chandler, Gene G., Chairman  
 Whalley, Michael D., Vice Chairman  
 Hess, David W.  
 Francoeur, Sheila T.  
 Johnson, Rogers  
 Giuda, Robert J.  
 Flanders, John W., Sr.  
 Milligan, Robert H.  
 Packard, Sherman A.  
 Jones, Constance A.  
 Rowe, Robert H.  
 Balboni, Michael A.  
 Letourneau, Robert J.  
 Introne, Robert E.  
 Stohl, Eric G.

**DEMOCRATS**

Burling, Peter H.  
 Nordgren, Sharon L.  
 Buckley, Raymond  
 Konys, Christine M.  
 Smith, Marjorie K.  
 Norelli, Terie

**SCIENCE, TECHNOLOGY & ENERGY****REPUBLICANS**

Thomas, John H., Chairman  
 Maxfield, Roy D., Vice Chairman  
 Ham, Bonnie  
 Harrington, Michael D.  
 Introne, Robert E.  
 Leach, Edward R.  
 Arnold, Thomas I., Jr.  
 Beaton, William A.  
 Cataldo, Sam A.  
 Crane, Elenore Casey  
 Hatch, Paul R.  
 Nutter, Edward H.  
 Ross, Lawrence C.  
 Slocum, Lee G.

**DEMOCRATS**

Pitts, Jacqueline A.  
 Kaen, Naida L.  
 Harris, Joseph D.  
 Pelletier, Arthur J.  
 Poulin, Richard L.  
 Webber, Amy C.

**STATE-FEDERAL RELATIONS & VETERANS AFFAIRS****REPUBLICANS**

Coughlin, Pamela D., Chairman  
 Guay, Lawrence J., Vice Chairman  
 Fields, Dennis H.  
 Priestley, Anne K.  
 Albert, Russell A.  
 Balcom, Jon L.  
 Lessard, Rudy  
 Marple, Richard  
 Easson, Timothy E.  
 Hawkins, Ken  
 Headd, James F.  
 Kenney, Bettie D.  
 Kerns, J. Edward  
 McCann, Richard A.  
 McElroy, Henry W., Jr.

**DEMOCRATS**

Heon, Richard F.  
 McDonough-Wallace, Alice  
 Shaw, Barbara E.  
 Sweeney, Cynthia P.  
 Sullivan, Peter M.  
 Batchelder, Robert C.

**TRANSPORTATION****REPUBLICANS**

Packard, Sherman A., Chairman  
 Flanders, John W., Sr., Vice Chairman  
 Katsakiores, George N.  
 Bartlett, Gordon E.  
 Kobel, Rudolph J.  
 Letourneau, Robert J.  
 Artz, Lawrence A.  
 Balcom, Jon L.  
 Bergeron, Jean-Guy J.  
 Dewhirst, Glenn E.  
 Mosher, William  
 Allen Mary M.  
 Hollinger, Jeffrey D.  
 Scanlon, Michael J.  
 Sullivan, Jeffrey A.

**DEMOCRATS**

Cote, Peter R.  
 Haley, Robert J.  
 Ferland, Brenda L.  
 Casey, Kimberley S.  
 Creteau, Irene T.  
 Rollo, Deanna S.

**WAYS AND MEANS****REPUBLICANS**

Major, Norman L., Chairman  
 Gilbert, Jeffrey D., Vice Chairman  
 Clark, Vivian R.  
 Hess, David W.  
 Langone, John S.  
 Giuda, Robert J.  
 Griffin, Mary E.  
 Vaillancourt, Steve  
 Gibson, John M.  
 Jasper, Shawn N.  
 Hinkle, Peyton B.  
 Hughes, Daniel M.  
 Ingram, Russell F.  
 McCormick, Tom F.  
 Roessner, Kurt J.

**DEMOCRATS**

Almy, Susan W.  
 Davis, Frank W.  
 Espieffs, Peter S.  
 Hamm, Christine C.  
 Hammond, Lee M.  
 Pappas, Christopher C.

**RECESS**

**(Speaker Chandler in the Chair)**

**COMMITTEE APPOINTMENTS**

Rep. John L. Balcom off Transportation.  
 Rep. Robert J. Giuda off Legislative Administration; on Labor, Industrial and Rehabilitative Services.  
 Rep. Marc P. Pappas on Municipal and County Government.

**LEADERSHIP APPOINTMENTS**

The Speaker made the following appointments:  
 Michael D. Whalley, Deputy Speaker; Sheila T. Francoeur, Speaker Pro Tempore; David W. Hess; Majority Leader; Rogers J. Johnson, Majority Whip; Deputy Majority Leader, Robert J. Giuda. Peter Hoe Burling, Democratic Leader; Sharon L. Nordgren, Deputy Democratic Leader; Raymond C. Buckley, Democratic Whip, and Christine M. Konys, Deputy Democratic Whip.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.  
 Adopted.

## HOUSE JOURNAL No. 2

Wednesday, January 8, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Eternal and ever-compassionate God, we give thanks for Governor Shaheen and for her service to our State and ask God's blessing upon her and her family as she begins a new journey. Eternal and ever-compassionate God, we ask Your blessing to be upon this honorable House, its membership and support staff at the beginning of this new legislative term. In these dangerous and uncertain times, both internationally and locally, we seek Your guidance and wisdom so that the decisions rendered here may benefit all the citizens of our beloved New Hampshire and uphold the highest ideals of American democracy and the building up of caring communities.

We especially ask Your blessing to be with those who serve in the armed services, police and fire service and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Rep. Russell F. Ingram led the Pledge of Allegiance.

The National Anthem was sung by Allison Messier, a student at the New England Conservatory of Music and granddaughter of Rep. Irene Messier.

### LEAVES OF ABSENCE

Reps. Stephanie Eaton, Hallyburton, Hollinger, Kerns, Lessard, Priestley, Reardon and Rollo, the day, important business.

Rep. Ford, the day, illness.

Reps. Casey, Lefebvre and Souza, the day, illness in the family.

### COMMUNICATIONS

December 18, 2002

Karen Wadsworth, Clerk of the House

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Cheshire County, District 27, Judson K. Dexter, r, Swanzey (54 Ash Hill Road) 03446

Cheshire County, District 28, Joseph P. Manning, r, Jaffrey (( Bradley Court) 03452)

Hillsborough County, District 61, Claire B. McHugh, r, Nashua (61 Dublin Avenue) 03063

Hillsborough County, District 50, Ken Cail, r, Manchester (61 Dave Street) 03104

Hillsborough County, District 53, Vivian J. Desmarais, r, Manchester (257 Gray Street) 03103

Hillsborough County, District 58, John Balcom, r&d, Merrimack (85 Pond View Drive) 03054

Merrimack County, District 37, Tony F. Soltani, r, Epsom (1073 Highland Drive) 03234

Strafford County, District 67, Richard F. Heon, d&r, Somersworth (PO Box 269) 03878

Strafford County, District 71, Jeff Hollinger, r, Dover (346 Back Road) 03820

Karen H. Ladd, Assistant Secretary of State

December 31, 2002

Dear Speaker Chandler,

One of the great honors in life is to serve the interests of others. As a state representative, I have done my best to serve the people of Manchester and the state of New Hampshire during the last two years.

It is after long consideration that I offer my resignation as a member of our honorable institution. While I end my service to the state of New Hampshire as a state representative, I am happy to announce my service and commitment to the people of New Hampshire will continue as I have accepted a position with Congressman-elect Jeb Bradley.



It has been my distinct pleasure and honor to serve the city of Manchester and the state of New Hampshire. Good luck to you and all members of the House during the next legislative session. I trust the future of New Hampshire remains in the capable hands of the new legislative body and I look forward to experiencing a productive session as a resident of the Granite State.

Respectfully, Frank C. Guinta, District 50.

The Speaker accepted the resignation with regret.

### INTRODUCTION OF GUESTS

Tom Gillick, son of Rep. Gillick. Aaron Weinstein, guest of Reps. Artz and Furman. Joseph Pantelakos, son of Rep. Pantelakos. Christopher and Bruce Messier, sons of Rep. Messier. Special guest Carlyn Coy, the NH Superstock Soap Box Derby Champion, guest of Reps. Phinizy, Parkhurst and Barbara Hull Richardson.

### RESOLUTION

Reps. Hess and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council, and for the taking of the oath by the State Treasurer.

Adopted.

### SENATE MESSAGE

The Senate is now ready to meet with the honorable House of Representatives in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council and for the swearing in of the State Treasurer.

### JOINT CONVENTION

(Speaker Chandler presiding)

### OATH OF OFFICE

The Sergeant-at-Arms escorted State Treasurer-elect Mr. Michael A. Ablowich to the rostrum. The Speaker administered the oath of office to Mr. Ablowich who thereafter addressed the Joint Convention with his wife, Katherine McCormick, son, Connor, and parents, Ronald and Ann Ablowich in attendance.

### RESOLUTION

Rep. Hess and Sen. Clegg offered the following:

RESOLVED, that the Honorable Deputy Secretary of State be requested to lay before the Joint Convention the return votes for Governor and Executive Council.

Adopted.

In accordance with Article 42, Part 2 of the New Hampshire Constitution, The Honorable David M. Scanlan, Deputy Secretary of State, appeared before the Joint Convention and laid before the Joint Convention the return of votes for Governor and Executive Council cast in the General Election held November 5, 2002 as follows:

### FOR GOVERNOR

	<b>Craig Benson, r</b>	<b>Mark Fernald, d</b>	<b>John J. Babiarez, l</b>
Belknap	14,691	6,385	555
Carroll	12,596	5,390	493
Cheshire	11,595	13,320	748
Coos	6,890	3,823	325
Grafton	16,182	12,607	933
Hillsborough	78,305	45,324	3,918
Merrimack	27,773	23,711	1,511
Rockingham	62,542	36,342	2,856
Strafford	21,352	15,461	1,301
Sullivan	<u>7,737</u>	<u>6,374</u>	<u>388</u>
<b>TOTALS</b>	<b>259,663</b>	<b>169,277</b>	<b>13,028</b>

Craig Benson, having a plurality of 90,386 votes, was elected.

**FOR EXECUTIVE COUNCILORS**

<b>First District</b>		
	Raymond S. Burton, r&d	80,392
<b>Second District</b>		
	Peter J. Spaulding, r	51,259
	John D. Shea, d	<u>35,951</u>
	Plurality for Spaulding	15,308
<b>Third District</b>		
	Ruth L. Griffin, r	53,620
	Bill McCann, d	<u>35,985</u>
	Plurality for Griffin	17,635
<b>Fourth District</b>		
	Raymond J. Wieczorek, r	49,689
	Shannon O'Brien, d	<u>28,177</u>
	Plurality for Wieczorek	21,512
<b>Fifth District</b>		
	David Wheeler, r	42,810
	Michael J. Blaisdell, d	<u>37,286</u>
	Plurality for Wheeler	5,524

**RESOLUTION**

Rep. Hess and Sen. Clegg offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

The Chair appointed Sens. Clegg and Larsen and Reps. Dickinson, Flanagan, and Robert A. Johnson. Adopted.

Rep. Hess and Sen. Roberge moved that the Joint Convention arise. Adopted.

The Joint Convention adjourned.

**HOUSE SESSION****(Speaker Chandler in the Chair)**

The Speaker reconvened the House session.

**AMENDMENT TO HOUSE RULES**

The Rules Committee offered amendments to the following House Rules:

Amend the introductory paragraph of House Rule 30 to read as follows:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than [23] ~~24~~ members: Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; Fish and Game; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; and Ways and Means.

Amend House Rule 63 to read as follows:

63. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer

appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting [devices] and/or receiving devices *nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.*

Amend House Rule 64 to read as follows:

64. Legislative action in the first-year session shall be subject to the following deadlines:	
Friday, December 13, 2002, 3:00 pm	Last day to file LSRs with complete information
Friday, January 17, 2003, 12:00 pm	Last day to sign-off on all House bills, including redraft requests.
Thursday, January 30, 2003	Last day to introduce all House bills.
Thursday, March 6, 2003	<i>Last day to amend House Rules by majority vote.</i>
Thursday, March 13, 2003	<i>Last day to report all House bills being referred to a second committee.</i>
Thursday, March 20, 2003	<i>Last day to act on all House bills being referred to a second committee.</i>
Thursday, March 27, 2003	<i>Last day to report all House bills not in a second committee, except budgets.</i>
Thursday, April 3, 2003	<i>Last day to act on all House bills not in a second committee, except budgets.</i>
Thursday, April 10, 2003	<i>Last day to report all remaining House bills.</i>
Tuesday, April 22, 2003	<i>Last day to hold public hearings on all House bills retained in committee.</i>
Thursday, April 24, 2003, 3:00 pm	<i>Last day for committees to report list of retained House bills.</i>
Thursday, May 8, 2003	<b>CROSSOVER</b> <i>Last day to act on all remaining House bills.</i>
Thursday, May 15, 2003	<i>Supplemental LSR filing period opens.</i>
Thursday, May 29, 2003	<i>Last day to file supplemental LSRs with complete information.</i>
	<i>Last day to report Senate bills being referred to a second committee.</i>
	<i>Last day to act on Senate bills being referred to a second committee.</i>
	<i>Last day to report all Senate bills for action in the first-year session.</i>
	<i>Last day to hold public hearings on all Senate bills retained in committee.</i>
	<i>Last day for committees to report list of retained Senate bills.</i>
Thursday, June 5, 2003	<i>Last day to act on all Senate bills in the first-year session.</i>
Wednesday, June 11, 2003	<i>Last day to form committees of conference.</i>
Friday, June 13, 2003, 3:00 pm.	<i>Last day to sign-off all supplemental bills, including redrafts.</i>
Wednesday, June 18, 2003, 3:00 pm.	<i>Last day to sign committee of conference reports.</i>
Tuesday, June 24, 2003	<i>Last day to act on committee of conference reports.</i>
	<i>Last day to introduce supplemental bills.</i>

Rep. Hess inquired if the question could be divided. The Speaker ruled that the question was divisible.

Rep. Hess moved the amendment to House Rule 63 be laid on the table.  
Adopted.

Rep. Hess moved adoption of the amendments to House Rules 30 and 64.  
Adopted.

## RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 51 through 99, 101 through 132, Constitutional Amendment Concurrent Resolutions numbered 1,2,3 and 5, House Concurrent Resolutions numbered 1, 2, 3, and House Resolution numbered 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF HOUSE BILLS, CACRs, HCRs and HR

#### First, second reading and referral

**HB 51**, apportioning state representative districts. (Leach, Hills 42; Kaen, Straf 72; Graham, Hills 57; Naro, Graf 15; M. Harrington, Straf 68; Odell, Dist 8: Election Law)

**HB 52-FN**, relative to the licensure of shampoo assistants by the board of barbering, cosmetology, and esthetics. (Hall, Hills 58; O'Hearn, Dist 12: Executive Departments and Administration)

**HB 53**, relative to retail motor vehicle sales. (Greenberg, Hills 50: Transportation)

**HB 54**, establishing a committee to study the eligibility for school building aid of certain public academies which serve as the local school for their communities. (M. Harrington, Straf 68; Easson, Straf 68; N. Johnson, Straf 68; Sapareto, Dist 19: Education)

**HB 55**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. (M. Harrington, Straf 68; Hopper, Hills 48; Sapareto, Dist 19; Boyce, Dist 4: Executive Departments and Administration)

**HB 56**, establishing a study committee to examine the state foster care system. (Batula, Hills 58; Boyce, Belk 31; MacKay, Merr 39; Kathleen Taylor, Straf 70; Wendelboe, Belk 29; O'Hearn, Dist 12; Roberge, Dist 9: Children and Family Law)

**HB 57**, relative to the use of inhalers by pupils and campers with asthma. (Batula, Hills 58; Boyce, Belk 31; MacKay, Merr 39; Kathleen Taylor, Straf 70; Wendelboe, Belk 29; O'Hearn, Dist 12; Boyce, Dist 4; Roberge, Dist 9: Health, Human Services & Elderly Affairs)

**HB 58**, requiring the department of transportation to study and report on the advantages of constructing state-owned truck service centers. (Shultis, Rock 86; M. Blanchard, Rock 86; Gleason, Rock 77; Benn, Graf 17; Cohen, Dist 24; Sapareto, Dist 19; Morse, Dist 22: Public Works and Highways)

**HB 59**, relative to court reporting. (Wall, Straf 72; Rowe, Hills 47; Elliott, Hills 42; Roberge, Dist 9: Judiciary)

**HB 60**, changing the name of the advisory committee on shore fisheries. (McKinney, Rock 75; M. Blanchard, Rock 86: Fish and Game)

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone. (McKinney, Rock 75: Fish and Game)

**HB 62-FN-A**, relative to the repair or replacement of a certain bridge over the Merrimack River between Canterbury and Boscawen and making an appropriation therefor. (Lockwood, Merr 35; C. Clarke, Merr 35: Public Works and Highways)

**HB 63-FN**, exempting OHRVs used solely for ice fishing on public bodies of water from registration requirements. (Stohl, Coos 1: Resources, Recreation and Development)

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (Welch, Rock 79; Major, Rock 79; Knowles, Straf 69; Tholl, Coos 2: Criminal Justice and Public Safety)

**HB 65**, relative to educational assistance for national guard members. (Coughlin, Hills 45; Heon, Straf 67; Graham, Hills 57; Fields, Hills 58; Soltani, Merr 37; Barnes, Dist 17; Roberge, Dist 9; Green, Dist 6: State-Federal Relations and Veterans Affairs)

**HB 66-FN**, relative to executive agency rulemaking authority. (Heon, Straf 67; Clegg, Dist 14: Executive Departments and Administration)

**HB 67**, relative to funding for energy efficiency programs. (V. Clark, Rock 79: Science, Technology and Energy)

**HB 68**, establishing a committee to study judicial review and judicial recall procedures. (V. Clark, Rock 79: Judiciary)

- HB 69**, relative to the reinstatement of expired licenses for architects. (Goulet, Hills 57; Alger, Graf 14: Executive Departments and Administration)
- HB 70**, establishing a commission to study government actions that contribute to involuntary homelessness. (Itse, Rock 80; Dionne, Hills 42; Gilman, Graf 9: Commerce)
- HB 71**, establishing a committee to study regulations on the use and misuse of non-lethal weapons. (Itse, Rock 80; Gibson, Hills 58: Criminal Justice and Public Safety)
- HB 72**, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food. (Rausch, Rock 77: Environment and Agriculture)
- HB 73**, establishing a committee to study imposing a recycling fee on new computer purchases. (M. Cooney, Graf 15: Environment and Agriculture)
- HB 74**, establishing a task force on the siting of new district courts. (Elliott, Hills 42; Franklin, Sull 20; Barnes, Dist 17: Judiciary)
- HB 75**, relative to timber harvesting. (Alger, Graf 14; Philbrick, Carr 5; Musler, Straf 68: Resources, Recreation and Development)
- HB 76**, relative to neighborhood electric vehicles. (Packard, Rock 75; Letourneau, Rock 77: Transportation)
- HB 77**, establishing a committee to study the process of de novo appeals from the district courts. (J. Pratt, Ches 24: Judiciary)
- HB 78**, relative to a landowner's liability for personal injury or property damage on sidewalks. (Holland, Rock 76; Priestley, Rock 76: Judiciary)
- HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. (Holland, Rock 76; Hall, Hills 58; C. Robertson, Rock 83: Executive Departments and Administration)
- HB 80**, relative to violation of the oath of office in certain cases. (L. Christiansen, Hills 66; Marple, Merr 37: Election Law)
- HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Weyler, Rock 79; Rogers Johnson, Rock 83: Ways and Means)
- HB 82**, to change the name of "Boott Spur" to Mount Reagan. (Weyler, Rock 79; M. Harrington, Straf 68; Holden, Hills 48; Milligan, Hills 58; Barnes, Dist 17; Boyce, Dist 4: Resources, Recreation and Development)
- HB 83**, establishing a committee to study penalties for executive department employees for non-compliance with department rules or state statutes. (Weyler, Rock 79; Welch, Rock 79: Executive Departments and Administration)
- HB 84**, requiring school district budgets to disclose moneys paid for lobbying fees. (Weyler, Rock 79; Alger, Graf 14; Giuda, Graf 13: Education)
- HB 85-FN-L**, requiring the exclusion of certain one-time expenditures prior to the adoption of a default budget in cities and towns that have adopted official ballot voting. (Weyler, Rock 79: Municipal and County Government)
- HB 86**, relative to the membership of the permissible fireworks review committee. (L. Christiansen, Hills 66: Criminal Justice and Public Safety)
- HB 87**, establishing a study committee to examine decibel limits. (Ouellette, Merr 33; Luebker, Hills 54: Transportation)
- HB 88**, relative to bond requirements for building contractors. (Weyler, Rock 79: Executive Departments and Administration)
- HB 89**, establishing a committee to study airport security staffing. (Pepino, Hills 51; Welch, Rock 79; Hunter, Hills 48: Criminal Justice and Public Safety)
- HB 90-FN**, relative to the costs incurred by the retirement system in evaluating proposed legislation. (Zolla, Rock 77: Executive Departments and Administration)
- HB 91**, extending the telecommunications planning and development initiative and advisory committee. (Thomas, Belk 31: Science, Technology and Energy)
- HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies. (Batula, Hills 58; MacKay, Merr 39; Kathleen Taylor, Straf 70; Wendelboe, Belk 29; O'Hearn, Dist 12; Boyce, Dist 4; Roberge, Dist 9: Health, Human Services and Elderly Affairs)
- HB 93**, relative to the notice to quit and notice of intent to appeal in landlord tenant actions. (Dionne, Hills 42: Judiciary)
- HB 94**, relative to warrant articles. (Dickinson, Carr 4; C. Brown, Carr 4; Mock, Carr 4; Kenney, Dist 3: Municipal and County Government)

- HB 95**, establishing a committee to study the procedures of the state board of claims. (L. Christiansen, Hills 66: Executive Departments and Administration)
- HB 96**, relative to eligibility as a customer-generator. (M. Harrington, Straf 68: Science, Technology and Energy)
- HB 97**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. (Sweeney, Hills 62; Heon, Straf 67: Municipal and County Government)
- HB 98-FN**, relative to fees for state election recounts. (Flanagan, Rock 78; Fields, Hills 58: Election Law)
- HB 99**, relative to absentee ballot requests. (Flanagan, Rock 78; Fields, Hills 58: Election Law)
- HB 101**, relative to qualifications for state offices. (Flanagan, Rock 78; Fields, Hills 58: Election Law)
- HB 102**, relative to disclosures required in retail installment sales of motor vehicles. (Corbin, Rock 79; DiFruscia, Rock 76: Commerce)
- HB 103-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. (Dionne, Hills 42; Elliott, Hills 42; Phinizy, Sull 23; Heon, Straf 67; Bridle, Rock 85; Odell, Dist 8; Sapareto, Dist 19; Estabrook, Dist 21: Transportation)
- HB 104-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Woods, Straf 69; B. Richardson, Ches 26; Giuda, Graf 13; Mooney, Hills 58; McHugh, Hills 61; Boyce, Dist 4; Clegg, Dist 14; Roberge, Dist. 9; Martel, Dist 18; Barnes, Dist 17: Health, Human Services and Elderly Affairs)
- HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile services officers against individuals under their supervision. (Knowles, Straf 69; Welch, Rock 79: Criminal Justice and Public Safety)
- HB 106-FN-L**, implementing an education property tax homestead exemption. (Hess, Merr 37; Boyce, Belk 31: Ways and Means)
- HB 107**, relative to bingo. (Hunt, Ches 28; D'Allesandro, Dist 20: Ways and Means)
- HB 108**, increasing the optional veterans' property tax credit. (Coughlin, Hills 45; Heon, Straf 67; Guay, Coos 2; Hofemann, Straf 69; Introne, Rock 75; Barnes, Dist 17; Roberge, Dist 9; Green, Dist 6: Municipal and County Government)
- HB 109-FN**, establishing a New Hampshire do-not-call list for telephone solicitation. (Langley, Rock 88; Lockwood, Merr 35; Kurk, Hills 48; Crane, Hills 59; Dickinson, Carr 4; Cohen, Dist 24; Kenney, Dist 3; Estabrook, Dist 21; Peterson, Dist 11: Science, Technology and Energy)
- HB 110-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 22; Jones, Sull 19; S. Harris, Sull 22; Donovan, Sull 22; Odell, Dist 8; Below, Dist 5: Public Works and Highways)
- HB 111-FN**, prohibiting employee polygraph examinations. (Holland, Rock 76; Palangas, Hills 52; Letourneau, Rock 77: Labor, Industrial and Rehabilitative Services)
- HB 112-FN**, establishing a point system for the annual moose permit lottery. (Dickinson, Carr 4; R. L'Heureux, Hills 58; Phinizy, Sull 23; Boyce, Dist 4; Johnson, Dist 2; Kenney, Dist 3; Gallus, Dist 1: Fish and Game)
- HB 113**, relative to payment of attorneys' fees by the losing party in tort actions. (Dickinson, Carr 4; Royce, Ches 28; Babson, Carr 6; Boyce, Dist 4; Roberge, Dist 9; Kenney, Dist 3; Gallus, Dist 1: Judiciary)
- HB 114**, establishing a committee to study the constitutionality of current New Hampshire statutory enactments. (L. Christiansen, Hills 66: Judiciary)
- HB 115**, relative to nonrenewal of homeowner's insurance policies. (Kaen, Straf 72; Thomas, Belk 31; D'Allesandro, Dist 20: Commerce)
- HB 116-FN**, granting group II retirement system status to certain positions in the department of corrections. (Weyler, Rock 79; Quandt, Rock 83: Executive Departments and Administration)
- HB 117-FN**, relative to the purchase of permissive service credit in the retirement system. (Weyler, Rock 79; R. Cooney, Rock 76: Executive Departments and Administration)
- HB 118**, prohibiting the commemoration of groups who take up arms against United States policies. (Albert, Straf 67; Quandt, Rock 83; Giuda, Graf 13; Twombly, Straf 67; Weyler, Rock 79; Boyce, Dist 4; Barnes, Dist 17; Roberge, Dist 9: Public Works and Highways)
- HB 119**, relative to removing names from the checklist. (Flanagan, Rock 78: Election Law)
- HB 120**, relative to checklist corrections on election day. (Flanagan, Rock 78: Election Law)

**HB 121**, relative to grounds for modification of a permanent child custody order. (Hallyburton, Hills 45: Children and Family Law)

**HB 122**, relative to an informed jury. (Marple, Merr 37; McElroy, Hills 61; Gilman, Graf 9; L. Christiansen, Hills 66; Ingbretson, Graf 13; Boyce, Dist 4; Roberge, Dist 9; Prescott, Dist 23; Sapareto, Dist 19; Green, Dist 6: Judiciary)

**HB 123**, relative to notice given to putative fathers in adoption proceedings. (Hallyburton, Hills 45: Children and Family Law)

**HB 124**, relative to the membership on the regional community-technical college board of trustees. (Thomas, Belk 31; Johnson, Dist 2: Education)

**HB 125**, relative to customer information of municipal utilities. (Hatch, Carr 7: Judiciary)

**HB 126**, relative to posting statutes at polling places. (Flanagan, Rock 78: Election Law)

**HB 127**, establishing a committee to study the effectiveness and fairness of county government. (Leone, Sull 21; Jacobson, Merr 32; Colcord, Merr 34; Jones, Sull 19; Perkins, Merr 33; Below, Dist 5; Flanders, Dist 7: Municipal and County Government)

**HB 128**, relative to the treatment of horses. (Rausch, Rock 77: Environment and Agriculture)

**HB 129-FN**, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 25: Legislative Administration)

**HB 130**, establishing a judicial nominating commission. (Bergin, Hills 47; J. Pratt, Ches 24: Judiciary)

**HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code. (Spiess, Hills 47; Kenney, Dist 3: Commerce)

**HB 132**, relative to state scholarships for orphans of veterans. (Coughlin, Hills 45; D. Fields, Hills 58: State-Federal Relations and Veterans Affairs)

**CACR 1**, relating to the support of religious schools. Providing that the language in article 6 of the first part of the New Hampshire constitution, which states that "But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination." shall be deleted from the article and the language in article 83 of the second part of the New Hampshire constitution which states that "": *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. (Arnold, Hills 46: Education)

**CACR 2**, relating to the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education. Providing that judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis. (Pepino, Hills 51; Rogers Johnson, Rock 83; Giuda, Graf 13; Weyler, Rock 79; Welch, Rock 79; Clegg, Dist 14; Boyce, Dist 4; Roberge, Dist 9; Barnes, Dist 17: Education)

**CACR 3**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. (Phinizy, Sull 23; J. Pratt, Ches 24; DiFruscia, Rock 76, Davidson, Rock 82: Judiciary)

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (Mock, Carr 4; Craig, Hills 50; Jacobson, Merr 32; Woods, Straf 69; Whalley, Belk 31; Prescott, Dist 23: Judiciary)

**HCR 1**, endorsing the Canine Good Citizen Program. (Phinizy, Sull 23; Dickinson, Carr 4; Seldin, Merr 39; Roberge, Dist 9; Cohen, Dist 24: Environment and Agriculture)

**HCR 2**, urging the federal government to recognize hearing loss as a service-connected disability for veterans who flew UH-1 helicopters in Vietnam. (Dickinson, Carr 4; Major, Rock 79; Stone, Rock 73; Thomas, Belk 31; Weyler, Rock 79; Kenney, Dist 3; Clegg, Dist 14: State-Federal Relations and Veterans Affairs)

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Dionne, Hills 42; P. Sullivan, Hills 50; O'Brien, Hills 43; Elliott, Hills 42; Coughlin, Hills 45; Naro, Graf 15; Sapareto, Dist 19; Odell, Dist 8: State-Federal Relations and Veterans Affairs)

**HR 6**, relative to criteria for establishing house representative districts. (Leach, Hills 42; Gile, Merr 38; R. Cooney, Rock 76; Leber, Merr 35; Scott, Straf 71: Election Law)

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and when the House adjourns today it be to meet Thursday, January 9, 2003 at 11:00 a.m.

Adopted.

### UNANIMOUS CONSENT

Reps. Albert, McElroy and Soltani addressed the House.

Rep Hess moved the House adjourn.

Adopted.



## **HOUSE JOURNAL No. 3**

Thursday, January 9, 2003

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator and lover of liberty and justice, we ask Your blessing upon this honorable House on this historic day. May all who enter this chamber find it to be a place of hospitality and welcome as a new beginning is inaugurated on behalf of all the free citizens of our beloved New Hampshire. May all that is done here today be in accord with Your will, and may we never cease to give You thanks for the innumerable benefits and blessings that You have so generously bestowed upon us all.

We especially ask Your blessing to be with those who serve in the armed services, police and fire service and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Reps. Hess and Burling led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Bickford, Bruno, Derby, Stephanie Eaton, Gile, Hallyburton, Hollinger, Hutchinson, Kerns, Pantelakos, Pitts, Priestley, Rollo, Stevens, Tate and Tilton, the day, important business.

Reps. Casey and Souza, the day, illness in the family.

The Speaker granted leaves of absence for any members who were displaced because of today's ceremonies.

### **INTRODUCTION OF GUESTS**

Sharron Smith and Jan Kos, wife and guest of Rep. Edwin Smith. Crystal Messer, Sarah McPhail and Jenny Allard, guests of Rep. Bartlett. Diane Asai, Johanna Koch and Katalin Novak, guests of Rep. Richard Cooney. John Coughlin and Carol Holden, husband and guest of Rep. Coughlin. Lynda Hunt, Gloria Sweeney, Katelyn Horsley, wife and guests of Rep. Hunt.

### **SPECIAL GUEST**

The Honorable Harold Burns, former Speaker of the House, guest of Speaker Chandler.

### **RESOLUTION**

Reps. Hess and Burling offered the following:

RESOLVED, that the House of Representatives inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor and for the taking of the oath by the Executive Council.

Adopted.

### **SENATE MESSAGE**

The Senate is now ready to meet with the honorable House of Representatives in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, the Inauguration of the Governor and the taking of the oath by the Executive Council.

### **JOINT CONVENTION**

#### **(Speaker Chandler Presiding)**

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Thomas R. Eaton.

### **INTRODUCTION AND SEATING OF SPECIAL GUESTS**

The Sergeant-at-Arms introduced the guests who were escorted to their seats by the following Aides-de-camp: Lieutenant Commander Greg R. Hahn, Major Frederick C. Rice, Major Paul J. Cheva-

lier, Lieutenant Colonel Francis C. Leith, Lieutenant Colonel Eugene A. Pawlik, Major Griffin T. Dalianis, Colonel Berard J. Boyle, Lieutenant Colonel Francine I. Swan, Major Daniel T. Wilson, Major Gregory F. Blackwell, Major Michael A. Domingue, Major Michael J. Mawson and Adjutant General Blair.

The family and friends of Governor-elect Benson. Mayors: Robert Danderson of Berlin, Christopher Shaban of Claremont, Michael Donovan of Concord, Tony Guinta of Franklin, Michael Blastos of Keene, Mark Fraser of Laconia, Ralph Akin of Lebanon, Robert Baines of Manchester, Bernard Streeter of Nashua and James McLin of Somersworth. Commissioners and Department Heads. State Treasurer Michael A. Ablowich. The Honorable David Scanlan, Deputy Secretary of State. The House Leadership. High Sheriffs of New Hampshire: Daniel Collis of Belknap County, Scott Carr of Carroll County, Richard Fotte of Cheshire County, Charles Barry of Grafton County, James Hardy of Hillsborough County, Chester Jordan of Merrimack County and Michael Prozzo of Rockingham County. United States Marshall Steve Monier. United States Attorney Thomas Coluntuno. The Honorable Charles Douglas and Mrs. Douglas. The Honorable William Zelif. New Hampshire 1<sup>st</sup> District Congressman, The Honorable Jeb E. Bradley. Counsels General, Vice Counsels General and Deputy Counsels General: Ronald Irwin from Canada, Geoff Plant from England, Thierry Vankerk-hoven from France, Guenter Wehrmann from Germany, Seamus Hempenstall from Ireland, Masuo Nishibayaski from Japan, Margarita Gonzalez-Camio from Mexico and C. K. Liu from Taipei. The Associate Justices of the New Hampshire Supreme Court. The Honorable David A. Brock, Chief Justice of the New Hampshire Supreme Court. Former Governor Hugh Gregg. Former Governor Walter Peterson. Mrs. Meldrim Thompson and son, Thomas. New Hampshire 2<sup>nd</sup> District Congressman, The Honorable Charles Bass. Former Governor John H. Sununu and Mrs. Sununu. Former Governor Stephen Merrill and Mrs. Merrill. Her Excellency, Governor Jeanne Shaheen. Deputy Assistant to the President of the United States, Mr. Ruben Barrales. The Reverend Clergy. The Council-elect: Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wiezorek, and David K. Wheeler. Mr. Kenneth Benson and Evelyn Benson, parents of Governor-elect Benson. Lauren and Kristen Benson, daughters of Governor-elect Benson. Governor-elect Craig Benson and Mrs. Denise Benson.

## **REPORT**

Sens. Clegg and Larsen and Reps. Dickinson, Flanagan and Robert Johnson offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

## **INVOCATION**

The Invocation was offered by Father Maurice D. Lavigne of St. Theresa's Church in Rye. Loving God, look down with kindness and mercy upon Your servant and son, Craig Benson, as he begins the first step of his journey as Governor of the State of New Hampshire. Surround him with people who will help him with goodwill and truthful and wise advice. Give him the humility to both listen and discern. Give him good health to do his job for the people of New Hampshire and the patience to do that job one day at a time. Bless him with a heart big enough to hold all the people of our state and to see and care about the needs of both the great and the small. Endow him with wisdom to always know the right course of action and the courage to follow through. Most of all Lord, keep him a good man who will always have the wisdom to ask for Your help and guidance. Bless him Lord and keep him safe always. Amen.

## **POSTING OF COLORS**

A Multi-unit Color Guard comprised of Lieutenant John Duval, Concord Police Department; Lieutenant Robert Krieger, Merrimack County Sheriff's Office; Sergeant John Lelacheur, New Hampshire State Police and Lieutenant John Whittmore, Fish and Game Department posted the Colors.

## **PLEDGE OF ALLEGIANCE**

Master Sergeant Shane Burnham and Technical Sergeant Joseph Doherty, members of the Armed Forces serving in Operation Enduring Freedom, led the Pledge of Allegiance.

## **NATIONAL ANTHEM**

The National Anthem was sung by Meredith Lustig, a student from Nashua High School.

### PRAYER

A prayer for peace and thanksgiving was offered by The Reverend Angelo Pappas of St. Nicholas Greek Orthodox Church in Portsmouth.

We thank You, O Mighty Father, for the opportunity to witness today for peace and thanksgiving on this inaugural day of Governor-elect Craig Benson. We gather with Mr. Benson and his lovely family, our state legislators and friends as an ecumenical family and to lift up our hearts in fervent prayer that the prophecy of peace may be fulfilled. Lord, we live in troubled times. Out of darkness we draw near to You for light. Out of sorrows we come to You seeking lasting joy. Out of our doubts we come to You in search of certainty. Out of our deep anxiety we come to You for inner peace. Forgive our complacency before a troubled world. Help us to realize that none of us can know peace, joy, safety and comfort if others do not know hope. Hasten the day when all people will live in peace and be governed by evangelical love. Make strong in us the ideal of brother and sisterhood of all Your children. Lord of Peace, captivate our hearts, inflame our spirits, mold our ethos, inspire our minds, guide our actions, enable us to be more true to ourselves and to You, more honest with one another and with our beliefs and more determined to express our responsibilities. We pray for Mr. Benson and all the faithful and dedicated men and women of the New Hampshire state government to bless them. Grant Mr. Benson wisdom to think with clarity and act with courage. Strengthen him with good health as he carries the weight of the state upon his shoulders. Protect his family and grant them understanding in times of concern. We also ask Lord, that You grant that the light of freedom in our land may never grown dim. Help us to comprehend that freedom's light is holy and through Your sovereignty, love and compassion it will never flicker and fade. Bless and inspire all of us to promote justice, amity, understanding and love among all peoples until the day that the ideals of brotherhood and justice become the universal standards of human relationships and help us dedicate ourselves to the task of bridging the gap which keeps us apart from one another and from You. We ask this in Your name. Amen.

### OATHS OF OFFICE

Chief Justice David A. Brock administered the oath of office to Governor-elect Craig Benson. Governor Benson administered the oath of office to the Honorable Executive Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wieczorek and David K. Wheeler.

### PRAYER

A Prayer for a successful administration was offered by Rabbi Mark David Finkel from Temple Beth Abraham, Nashua.

Dear God, a source of bountiful blessings on this day as we celebrate achievement and ponder our future, we invoke Your blessings upon our country and our state, on the government of our state, New Hampshire, Governor Craig Benson, our elected and appointed leaders, Councilors, Senators, Representatives, all who exercise just and rightful authority and their families. Guide them and us with Your wisdom which You planted within us. Let us be mindful that You have created us in Your image. We pray that our leaders may administer all affairs of government in justice and equity so that peace and security, happiness and prosperity, right and freedom may forever abide among us. Guide our leaders and us to understand that we are wise when we learn from one another, that we are strong when we control our impulses and that we are honored when we honor others. Unite all these citizens and residents of our state, all races and creeds. Let us forge a common bond of true people-hood to banish all hatred and bigotry and to safeguard the ideals and free institutions which are our nation's glory. May this state under Your providence be an influence for good throughout the nation and the world uniting humankind in peace and freedom and helping to fulfill the vision of Isaiah, the work of righteousness shall be peace and the effect of righteousness, quietness and confidence forever and people shall abide in peaceful homes and in secure dwellings and in quiet places of rest. In keeping with this day, let us also remember the words of Proverbs, "Like the coldness of snow is a trusty messenger to those who send him." On this day as we work to bring growth, happiness and learning to all New Hampshire, let us also remember the words of the psalmist, "May God show us favor, let the works of our hands prosper. May the works of our hands be firmly established and let us say 'Amen'."

**POEM**

New Hampshire Poet Laureate Marie Harris read her inaugural poem "New Year, New Hampshire."

*New Year, New Hampshire*

The Hunger Moon draws icy tides upriver  
 heaving gray-green slabs of seawater  
 onto the salt marshes. Inland, a house  
 rides snow swells into evening  
 while inside the householder, satisfied  
 in the knowledge of a well-provisioned root cellar,  
 a woodshed stacked with even cords,  
 pulls the shutters to, turns from the darkening window.

*And still, quarrelsome winds bay down the chimney.*

The urge to retreat to hearth  
 and leatherbound studies of certainty  
 is as strong as the pull of the moon;  
 but there are times  
 when what we may need most  
 are the rude and raucous disputations  
 that sputter and spark  
 like bonfires on frozen ponds,  
 attracting a quorum of neighbors.

**MUSICAL SALUTE TO GOVERNOR CRAIG BENSON**

The St. Thomas Aquinas High School Band and Select Choir performed "*United We Stand*," an American medley including "Simple Gifts," "America the Beautiful," "America," and "The Battle Hymn of the Republic."

**INAUGURAL ADDRESS**

The Governor delivered his Inaugural Address:

Mr. Speaker, Mr. Senate President, Mr. Chief Justice, former Governors, members of the Executive Council, members of the House and Senate, other distinguished guests, my fellow citizens, I stand before you today ready to serve as your next Governor of New Hampshire. As someone who will forever be more comfortable being called "Craig" than "Governor," I would rather have a conversation about New Hampshire's future with you than a formal address. Today, I'm the first Governor whose entire term will be served in this new century. It will be our century to define and we will be held accountable for the decisions that we make. The choice is clear. We can either make tough decisions about New Hampshire's future or we can duck, dodge and defer those decisions and pass them off to our children. If we pass on those problems, we'll be the first generation to deny the younger generation the same opportunities that we have had. I believe it's time we stand up for the sake of our children. I plan to live up to that promise and to the promise this country was built on. One that leaves this country better than when we got it. Posterity will ask us, "Will we be the first generation in American history to fail?"

How did we get here? Government doesn't have a vision or a plan. It's become stagnant and outdated. There's no more evidence of that than our state budget where we spend almost 13,000 dollars for every family of four in state services and, yet, are looking at a budget deficit in the next two years of more than 250 million dollars. Our education system has been debated now for much more than a decade, yet 60% of our children do not read at grade level. Our healthcare system is seeing a record outflow of talented doctors and nurses and the costs are going through the ceiling as we speak. More than 50% of the children that we educate in this state leave this state to pursue their dreams someplace besides New Hampshire. That's three times the national average. Moreover, the problems exist in government as well. We were just ranked 51 out of 100% in our use of technology in the state of New Hampshire. That, ladies and gentlemen, is an "F" in every school in this state and it shouldn't be accepted by any tax-paying New Hampshire household. We can solve our problems if we upgrade our thinking, however. Today roughly marks the 20<sup>th</sup> anniversary of my founding of my own business in a garage. Cabletron, Hewlett-Packard and Apple

Computer were all founded in a garage. The Wright brothers founded their business in a small, little bike shop. Garages are New Hampshire hallmarks. They have passion, innovation and determination to solve their customers' problems. We had the audacity as a garage startup to believe that we could beat IBM and Digital Equipment Corporation at their own game, and we did. American entrepreneurial spirit is what we need in government. It means that we will change the way we do and think of things. Today, I am calling for new public entrepreneurship that will embody leadership, innovation and a bringing together of our core values to serve the people of this state in new ways. About two hundred years ago, this country rose up because it was sick of the tyranny of government and higher and higher taxes and together we fought for our independence. The first action of the American Revolution was right here in New Hampshire. We were the first state to declare our independence from England. I say let's do it again. Let's lead the nation. It's time we became independent from the status quo and it's time we revolutionize government in a whole new way. This revolution can be led by a new generation of what I'll call "community entrepreneurs" who experiment and innovate and find new ways of doing things. The entrepreneurial spirit is embodied on every license plate in the state of New Hampshire. "Live Free or Die" means something to entrepreneurs; it means something very, very clear and they understand it very well. It's more relevant today than it was even two hundred years ago, not only because we are fighting terrorism but we are fighting for our very economic independence. Entrepreneurs have to be free to dream and embrace new ideas or our economy will die. Education has to be a lifetime experience or our spirit will die. Our New Hampshire healthcare system must be free to pursue new ways of doing things to improve our quality of life. Government will no more treat us the way they want but in a way we want.

In the 1970's, many of you may remember that American car companies faced dire consequences. They had forgotten the values that the American car buyers wanted in their products. And the Japanese came into the United States like a tidal wave, bringing vehicles that more suited consumer needs in the United States. Car companies had a dire choice. Change radically or die. That crisis really forced them to think of new ways of doing things and today in the state of New Hampshire we, too, face a crisis of monumental proportions.

We can use that crisis to change government so that it becomes value-based for our citizens each and every day. Where I come from, the customer is always right. And the customers have spoken in record breaking numbers and for those of you who are unclear as to what they said, let me repeat it. No sales tax, no income tax, no way.

Those record number of voters have invested in the elected officials they have appointed to positions of responsibility and they expect a return on that investment. They expect us to sit at the government's kitchen table and make tough choices just like they have to do. They expect us to determine our wants versus our needs and they won't accept us throwing money at problems anymore without the benefit of a return on that investment. In the words of Winton Churchill, "We've run out of money — now it's time to think."

Change isn't like a lightning bolt that strikes and makes our problems magically disappear. Good change, long-lasting change, change that can be felt for many generations takes a long time to build right. Community entrepreneurs know that. They know just like great artworks it takes time to do it right. Entrepreneurs know that, too. Building a business does not happen overnight. It's done brick by brick, one at a time. We need to push forward every day. We need stick-to-itiveness to go forward with our values and we need to ensure that we do what is right for the citizens of this state. It includes listening to new ideas, embracing those new ideas, but it doesn't include being deterred by the criticism that is often attended with change. We won't be listening to that criticism because we will overcome those obstacles like we'll overcome all the other obstacles in this state and make the people in this state so proud that we are doing the right thing for their children's future. In short, don't bring problems, bring solutions.

It's time to get to work and today I will sign a number of executive orders to deal with the record-breaking budget deficit that we face. I want to hear what people have to say, so right here is the suggestion box that's going to go outside of my office as governor. There's an electronic one that's already been posted on the state web site. We need to encourage the free flow of information in this state and we need to challenge people with new ideas. I will do that with what I call the Governor's Initiative Award. I won't take a salary as your governor and I will use that money instead to reward great state employees who come up with creative ways to work in this state to make change and to make things happen. The backbone of any great organization is great people and we need to recognize those great efforts.

It's time we finally solve the education crisis once and for all. But we are not going to just focus on the costs of the equation, we are going to focus on quality. Sixty percent of our children don't read at grade level. One of the biggest beneficiaries of an educated, motivated workforce are businesses. So, today I'm kicking off a program called "Adopt-A-School" whereby businesses are allowed to come into our school system and help with the technology needs in that school, with understanding and rewarding teachers that go beyond the call of duty with merit pay and with showing students why they are learning what they are learning by walking through the hallways once in a while and communicating with those students. We're going to use technology in our classroom like never before not just to teach typing but we're also going to embrace distance learning. We are going to be able to bring art appreciation and thermophysics into every school in the state of New Hampshire and by doing that allow children to pursue their own passions. We're going to bring competition and choice to schools because those are principles that America was built on. But the most important thing we are going to do is that we are not going to give up on our kids anymore.

I have firsthand experience with that. In high school, I was told by the head guidance counselor, who happened to have a Ph.D, that I wasn't capable of going to college. I know what it feels like to be given up on and I know if I had listened to that advice, as many of our children do, that I would not have pursued my MBA, I would not have had the life I've had in private business and I wouldn't be standing before you here today. We cannot allow our children's dreams to die anymore by giving up on our children. It's wrong, it's not what America was built on and let's vow to stop doing it today.

New Hampshire's quality of life is second to none. A huge component of that is our healthcare system. Today new techniques and new technologies should be embraced by every healthcare provider in this state. However, due to the encumbrances on many of our healthcare providers, they cannot embrace those new technologies and techniques. I am pleased that I'm going to work with Sen. O'Hearn and Rep. Francoeur to introduce new legislation that's going to take the shackles off our talented healthcare providers and again allow them to innovate in the places where they deliver healthcare. We're going to open markets to competition both in insurance and in the general healthcare market because if we have competition, we will have the best quality and the best cost throughout the entire world. We will lead the way for the rest of the nation to look at as the envy of what healthcare systems should be.

All around New Hampshire, I've met so many people who make their community a very special place. They're community entrepreneurs, they experiment, they innovate, they find new ways of doing things. With us today are four community entrepreneurs who have made a real difference in their own community and I wish they would stand as I say their name and if we could recognize them. Mayor Bob Danderson of Berlin. Michelle Kramer. Donna Lencki. Julian Lange. Bob Danderson, "Mayor Bob" as he's known in Berlin, has faced some tough challenges and some tough times. But that does not get Mayor Bob down. He perseveres through anything. Take it from me, I worked with him. The fact of the matter is we have a real challenge in the northern portion of this state. So, today I am creating a Benson Action Team that will be headed by Mayor Bob whose goal is to ensure that the northern portion of the state is put on equal footing with the rest of the state of New Hampshire. Michelle Kramer came to the Franklin school system three years ago. Back then, in grades K through 8, 60% could not read at the grade level. Michelle Kramer has come in and three years later that rate has been cut in half. The reason is Michelle believes that every child can learn and she doesn't give up on anyone. She's a real, true community entrepreneur. Thank you for your efforts. Donna Lencki, she's founder of Choicelinx and CEO of Choicelinx and pioneering a whole new way to develop high quality information in healthcare that will revolutionize the way we deliver healthcare throughout the world. That business is based right here in New Hampshire. I couldn't be any prouder to have such a great person who represents entrepreneurship in this very Hall today. Thank you for what you are doing. Julian Lange is a distinguished professor of entrepreneurship at Babson College. Babson is now the number one school of entrepreneurship in the whole world. Clearly wasn't when I went to school there, but that's a different story. The fact is that Julian, for the last year, has put together a team of people to go out to teach people in New Hampshire, whether they are small business people or entrepreneurs, how to pursue their dreams. It has been a very effective program. Today Julian is taking a new task on for me. He's going to bring entrepreneurship into the state of New Hampshire, into government, specifically, because we want to make New Hampshire the first state to embrace public entrepreneurship as a new skill for the new century. Thank you Julian. Last, I know and you know, government cannot be all things to

all people. That's why New Hampshire is such a special place. We have so many people who volunteer to make it better. Someone who could not join us today is Pastor Paul Berube of Nashua. In 1985, he started the Grace Fellowship Church in an abandoned mill. Today, that abandoned mill houses a school with 400 students, incubator space for numerous start-up companies and numerous social service organizations that are now headquartered in that very mill space. Pastor Paul is a true community entrepreneur. He doesn't accept the status quo. He pursues innovation and with God's help he has pursued his vision.

Finally, I am the product of two loving parents, both of whom were teachers. This is what they taught me. My Mom taught me to never give up. If she didn't like the answer to a question, she'd ask, and ask, and ask, and ask until she got the answer she wanted. There is no clearer example of that then when she was diagnosed with cancer, terminal cancer, twelve years ago. She didn't like that answer and she went and found a different one. Today, twelve years later, she lives a vibrant lifestyle, including swimming many miles a week, and she's here with us today. My Dad, he has a Ph.D, he's an author of many best selling books, a World War II veteran who served us well in Okinawa and he had many career options in his life. He could have gone out and done whatever he wanted and made a lot more money. But he wanted to teach, he knew about the value of giving back. At 84 he still teaches me new lessons every single day. Thank you.

Life lessons have led me to the decisions I've made and God's faith has given me a great family, Denise, Lauren and Kristen.

As your Governor, I will use these lessons to fulfill the office of Governor but I need your help. The job of being Governor is all of our jobs and we need to work together to put New Hampshire back on the path for success.

In the audience today is Mrs. Meldrim Thomson, widow of former Governor Meldrim Thomson. Please, if you don't mind. (*stands to be recognized*) One of Governor Thomson's favorite expressions was "New Hampshire is what America used to be." If we do things right, if we make the right decisions and if we all work together, I want to build on that expression and make it, "Together we can make New Hampshire what America *ought* to be."

God bless You all and God bless the great state of New Hampshire.

### BENEDICTION

Pastor Thomas Peetz from the Word of Life Christian Fellowship in Concord offered the Benediction. Our Heavenly Father, we thank You for this day. We thank You for Your goodness and Your mercies. We look to You as the Creator of all things, to look down from Your holy habitation and extend Your blessing on this day, the day of new beginnings for this great state. We thank You for all that You have done and what You are doing right now in this place. We ask that You would cover this administration, every member of this administration, every legislator, every senator with Your favor. Guiding and directing them, along with this great governor, with this new leadership in their decisions and protecting them from all harm and peril in these days in which we live. Imparting into them wisdom, under them governing this great state of ours. We thank You, we ask this in the precious name of Our Lord and Savior, Jesus Christ of Nazareth. Amen.

Rep. Hess and Sen. Roberge moved that the Joint Convention arise.

Adopted.

Guests and participants of the inauguration were ushered from the Hall.

### RECESS

### HOUSE SESSION

(Speaker Chandler in the Chair)

The Speaker reconvened the House session.

### RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 133 through 149, 151 through 197 and House Concurrent Resolution numbered 4 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

**HB 133-L**, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. (Phinizy, Sull 23: Education)

**HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters. (Elliott, Hills 42; Dionne, Hills 42; Wall Straf 72; Rowe, Hills 47; Boyce, Belk 31; Boyce, Dist 4; Roberge, Dist 9; Sapareto, Dist 19: Judiciary)

**HB 135-FN-L**, relative to charter schools. (Hunt, Ches 28; O'Hearn, Dist 12: Education)

**HB 136-FN**, relative to regional electronic toll collection. (R. L'Heureux, Hills 58; Hinkle, Hills 58; Brundige, Hills 58; Batula, Hills 58; Phinizy, Sull 23; Roberge, Dist 9; Martel, Dist 18; Clegg, Dist 14; O'Hearn, Dist 12: Public Works and Highways)

**HB 137-FN**, relative to discounted tolls under the regional electronic toll collection system. (R. L'Heureux, Hills 58; Mooney, Hills 58; Milligan, Hills 58; Hall, Hills 58; Phinizy, Sull 23; Roberge, Dist 9; Martel, Dist 18; Clegg, Dist 14; O'Hearn, Dist 12: Public Works and Highways)

**HB 138-FN**, relative to interpreters for the deaf in certain governmental or public proceedings. (Bergin, Hills 47; Wall, Straf 72; O'Hearn, Dist 12: Health, Human Services & Elderly Affairs)

**HB 139**, establishing a committee to study the collection and reporting of school drop-out, suspension, and expulsion data. (Naro, Graf 15; Carson, Rock 75; Bleyler, Graf 17; Cohen, Dist 24; Estabrook, Dist 21: Education)

**HB 140-FN-L**, relative to voter checklist verification. (M. Cooney, Graf 15; Lockwood, Merr 35; Naro, Graf 15: Election Law)

**HB 141**, prohibiting the use of automatic dialing systems for telephone solicitation. (Langley, Rock 88; Dickinson, Carr 4; Lockwood, Merr 35; Kurk, Hills 48; Crane, Hills 59; Kenney, Dist 3; Estabrook, Dist 21: Commerce)

**HB 142**, relative to motor vehicle registration expiration dates. (Artz, Hills 64; Furman, Hills 64: Transportation)

**HB 143-FN**, relative to the registration fees and requirements for snow traveling vehicles. (R. Cooney, Rock 76; C. Christensen, Hills 58; Stohl, Coos 1: Resources, Recreation and Development)

**HB 144**, establishing a procedure for the adoption of contracts in certain schools. (Dickinson, Carr 4: Municipal and County Government)

**HB 145**, relative to the Claremont and Newport district courts. (Cloutier, Sull 22; S. Harris, Sull 22; Franklin, Sull 20; Rodeschin, Sull 20; Burling, Sull 19; Odell, Dist 8; Below, Dist 5: Judiciary)

**HB 146-FN**, relative to criminal penalties for child pornography offenses. (Holland, Rock 76; Weyler, Rock 79; Morse, Dist 22: Criminal Justice and Public Safety)

**HB 147**, establishing a committee to study the expungement of records. (L. Christiansen, Hills 66; Marple, Merr 37: Executive Departments and Administration)

**HB 148-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. (Gilman, Graf 9; Giuda, Graf 13; Sorg, Graf 11; Ingbretonson, Graf 13; Adams, Hills 43; Gallus, Dist 1; Johnson, Dist 2; Kenney, Dist 3; Clegg, Dist 14; Sapareto, Dist 19: Executive Departments and Administration)

**HB 149**, relative to patient rights and disclosures in quality assurance programs. (Craig, Hills 50: Judiciary)

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments. (Weyler, Rock 79; G. Katsakiores, Rock 77; Welch, Rock 79; Francoeur, Rock 85; Mercer, Hills 59; Clegg, Dist 14; Sapareto, Dist 19; Barnes, Dist 17: Municipal and County Government)

**HB 152**, relative to regulation by political subdivisions of OHRV trails and exempting certain rail trails use from the state trail evaluation process. (Royce, Ches 28; Alger, Graf 14; Stohl, Coos 1; Liebl, Ches 27; Russell, Belk 31; Odell, Dist 8; Flanders, Dist 7; Gallus, Dist 1: Resources, Recreation and Development)

**HB 153-FN**, relative to grounds for termination of parental rights. (Rogers Johnson, Rock 83: Children and Family Law)

**HB 154-FN**, establishing a department of financial services. (Elliott, Hills 42; Dionne, Hills 42: Executive Departments and Administration)

**HB 155**, relative to responses by law enforcement officers when traveling outside their jurisdictions. (Tholl, Coos 2: Criminal Justice and Public Safety)



- HB 156**, relative to weights and measures. (L. Pratt, Coos 2: Environment and Agriculture)
- HB 157**, relative to presentence investigations. (Tholl, Coos 2: Criminal Justice and Public Safety)
- HB 158**, allowing the voter to deposit the ballot into the ballot box. (Dickinson, Carr 4: Election Law)
- HB 159**, relative to meetings of the directors of nondepository trust companies. (Hunt, Ches 28; Kenney, Dist 3: Commerce)
- HB 160**, relative to removal or replacement of trustees. (Hunt, Ches 28; Kenney, Dist 3: Commerce)
- HB 161-FN-L**, relative to residency in determining entitlement to local welfare assistance. (Dickinson, Carr 4; Babson, Carr 6; Vallone, Rock 80; Kenney, Dist 3; Prescott, Dist 23; Gallus, Dist 1; Johnson, Dist 2; Sapareto, Dist 19: Municipal and County Government)
- HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs. (Batchelder, Ches 24: Environment and Agriculture)
- HB 163-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. (DiFruscia, Rock 76; Weyler, Rock 79; Bishop, Rock 74; Corbin, Rock 79; Belanger, Rock 76; Gallus, Dist 1: Ways and Means)
- HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies. (Major, Rock 79: Ways and Means)
- HB 165**, relative to the text of constitutional amendment questions. (Sorg, Graf 11: Election Law)
- HB 166**, relative to employees of the New Hampshire retirement system. (O'Neil, Rock 85; Hamel, Rock 79: Executive Departments and Administration)
- complaints against judges. (Rowe, Hills 47: Judiciary)
- HB 167**, relative to complaints against judges. (Rowe, Hills 47: Judiciary)
- HB 168**, relative to access to public schools. (Dewhirst, Belk 30: Education)
- HB 169**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 25: Ways and Means)
- HB 170**, relative to the notice of proposed rulemaking under the administrative procedure act. (Camm, Rock 79: Executive Departments and Administration)
- HB 171**, establishing a commission to assess the operating efficiency of state government. (Moran, Hills 57; Kurk, Hills 48; Weyler, Rock 79; Leber, Merr 35; Alger, Graf 14; Peterson, Dist 11; Sapareto, Dist 19; Roberge, Dist 9; Clegg, Dist 14: Executive Departments and Administration)
- HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law. (Weyler, Rock 79; Quandt, Rock 83; Giuda, Graf 13; N. Johnson, Straf 68; Barnes, Dist 17; Roberge, Dist 9; Gatsas, Dist 16: Ways and Means)
- HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities. (Major, Rock 79: Ways and Means)
- HB 174**, relative to homeowner's insurance and the ownership of certain breeds of dogs. (J. Carter, Hills 53; Gonzalez, Hills 49; Pepino, Hills 51: Commerce)
- HB 175**, relative to the admission to practice law and to bar association membership for attorneys. (Rowe, Hills 47: Judiciary)
- HB 176**, relative to listing candidates on ballots. (Stritch, Rock 75: Election Law)
- HB 177**, excluding stepchildren from the definition of "child" in the context of support orders. (Bickford, Straf 68: Children and Family Law)
- HB 178**, relative to detention for violations of protective orders. (Bickford, Straf 68: Criminal Justice and Public Safety)
- HB 179**, establishing a committee to study enhancement of laws relating to vehicle pursuits. (Major, Rock 79: Criminal Justice and Public Safety)
- HB 180**, relative to proceedings for termination of parental rights. (Hallyburton, Hills 45: Children and Family Law)
- HB 181**, relative to horseback riding as a recreational use of land in current use taxation. (J. Pratt, Ches 24: Environment and Agriculture)
- HB 182**, relative to unclaimed shares and advancements to heirs. (J. Pratt, Ches 24; Craig, Hills 50; Rowe, Hills 47; Foster, Dist 13; Peterson, Dist 11: Judiciary)
- HB 183**, relative to a distribution from a decedent's estate to a minor. (J. Pratt, Ches 24; Craig, Hills 50; Rowe, Hills 47; Foster, Dist 13; Peterson, Dist 11: Judiciary)
- HB 184**, relative to distribution upon intestacy. (J. Pratt, Ches 24; Craig, Hills 50; Rowe, Hills 47; Foster, Dist 13; Peterson, Dist 11: Judiciary)

**HB 185**, relative to pretermitted heirs. (J. Pratt, Ches 24; Craig, Hills 50; Rowe, Hills 47; Foster, Dist 13; Peterson, Dist 11: Judiciary)

**HB 186**, relative to the effect of divorce or annulment upon trusts. (J. Pratt, Ches 24; Craig, Hills 50; Rowe, Hills 47; Foster, Dist 13; Peterson, Dist 11: Judiciary)

**HB 187-FN-A**, establishing a credit for employer-paid insurance premiums against the business enterprise tax. (Corbin, Rock 79; DiFruscia, Rock 76; Giuda, Graf 13; Gilman, Graf 9; Weyler, Rock 79: Ways and Means)

**HB 188**, relative to listing names on state election ballots. (Davidson, Rock 82: Election Law)

**HB 189**, making daylight savings time permanent. (Rodeschin, Sull 20: Science, Technology and Energy)

**HB 190**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. (Gilman, Graf 9: Legislative Administration)

**HB 191**, establishing a commission to study the school administrative unit system. (Hunter, Hills 48; Alger, Graf 14; Pepino, Hills 51; Emerton, Hills 48: Education)

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers. (Hunter, Hills 48: Criminal Justice and Public Safety)

**HB 193**, relative to the right to life. (Hagan, Hills 50; Pepino, Hills 51; Souza, Hills 51: Judiciary)

**HB 194**, relative to appeals in landlord/tenant actions. (Craig, Hills 50: Judiciary)

**HB 195**, prohibiting all part-time district court judges from practicing law in the district courts. (Rowe, Hills 47: Judiciary)

**HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders. (MacKay, Merr 39; Emerton, Hills 48; Batula, Hills 58: Health, Human Services and Elderly Affairs)

**HB 197-FN-A**, making an appropriation to the harbor dredging and pier maintenance fund. (Weare, Rock 84; Dodge, Rock 80; O'Neil, Rock 85; McCann, Rock 84: Public Works and Highways)

**HCR 4**, urging adoption and implementation of a national do-not-call list for telemarketers. (Langley, Rock 88; Lockwood, Merr 35; Kurk, Hills 48; Crane, Hills 59; Dickinson, Carr 4; Cohen, Dist 24; Kenney, Dist 3; Estabrook, Dist 21: Commerce)

## RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

## LATE SESSION

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 1:15 p.m.

## RECESS

(Rep. Hess in the Chair)

## RESOLUTION

Rep. Francoeur offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 198 through 199, and 201 through 220 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (Tholl, Coos 2; Welch, Rock 79; Knowles, Straf 69: Criminal Justice and Public Safety)

**HB 199-FN-A**, establishing new special justice positions in the Manchester, Concord, and Nashua district courts and making an appropriation therefor. (Lasky, Hills 65; Clemons, Hills 62: Judiciary)

**HB 201**, relative to the definition of the practice of dentistry. (Langley, Rock 88: Executive Departments and Administration)

**HB 202-FN**, establishing an independent legislative redistricting commission. (Weed, Ches 25; Burling, Sull 19: Election Law)

**HB 203**, establishing a committee to study the use of pesticides and herbicides in the state, and directing the commissioner of agriculture to issue a report on the use of funds from the pesticide control fund. (Ouellette, Merr 33: Environment and Agriculture)

**HB 204**, relative to venue in juvenile proceedings. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7; Stone, Rock 73: Children and Family Law)

**HB 205**, relative to the use of criminal records and reports. (Welch, Rock 79: Criminal Justice and Public Safety)

**HB 206**, relative to filing of complaints for violation-level offenses. (Welch, Rock 79: Criminal Justice and Public Safety)

**HB 207**, relative to information required in articles of incorporation. (Luebker, Hills 54; Ouellette, Merr 33: Commerce)

**HB 208**, relative to name changes for inmates and parolees. (K. Gilbert, Rock 82; Jones, Sull 19: Criminal Justice and Public Safety)

**HB 209**, relative to municipal budget committees. (Bicknell, Rock 73; Bishop, Rock 74; D. Smith, Rock 74; Kennedy, Merr 34; Quandt, Rock 83: Municipal and County Government)

**HB 210-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift inspector. (O'Neil, Rock 85; Dexter, Ches 27; Schulze, Hills 65: Finance)

**HB 211**, relative to town clerk fee deposit requirements. (Lockwood, Merr 35: Municipal and County Government)

**HB 212**, defining "terror" and "act of terrorism" for the purposes of criminal threatening. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7; Stone, Rock 73: Criminal Justice and Public Safety)

**HB 213**, relative to reporting requirements for dedicated funds. (Giuda, Graf 13; Rogers Johnson, Rock 83; Tahir, Hills 50; Weyler, Rock 79; Gilman, Graf 9; Clegg, Dist 14; Boyce, Dist 4: Finance)

**HB 214**, relative to discovery deposition of minors in criminal cases. (Dumaine, Rock 75; Fish, Ches 25; P. Smith, Rock 75; Introne, Rock 75: Children and Family Law)

**HB 215**, relative to expungement of records contained in the DNA database. (Kennedy, Merr 34: Criminal Justice and Public Safety)

**HB 216**, relative to motorcycle inspection stickers. (Hatch, Carr 7: Transportation)

**HB 217**, relative to emergency powers of the supreme court. (O'Neil, Rock 85: Judiciary)

**HB 218**, relative to the definition of beneficially interested person. (O'Neil, Rock 85: Judiciary)

**HB 219**, relative to the assignment of judges to hear cases in the superior, district, and probate courts. (Bickford, Straf 68: Judiciary)

**HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (P. Allen, Ches 27: Environment and Agriculture)

## RECESS

(Rep. Varrell in the Chair)

## RESOLUTION

Rep. Anderson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 221 through 236, House Concurrent Resolutions numbered 5 and 6 and Constitutional Amendment Concurrent Resolutions numbered 4, 6 and 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRs and CACRs

### First, second reading and referral

**HB 221-FN**, prohibiting the courts from charging fees. (Marple, Merr 37; L. Christiansen, Hills 66; McElroy, Hills 61: Judiciary)

**HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. (Tholl, Coos 2; Stevens, Carr 7; Welch, Rock 79: Executive Departments and Administration)

**HB 223**, relative to the temporary removal of inmates. (Tholl, Coos 2: Criminal Justice and Public Safety)

**HB 224**, granting immunity from liability to law enforcement officers executing involuntary emergency mental health admissions. (Tholl, Coos 2; Knowles, Straf 69; Welch, Rock 79: Judiciary)

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties. (Emerton, Hills 48; Nordgren, Graf 17; MacKay, Merr 39; Leber, Merr 35; Wendelboe, Belk 29; O'Hearn, Dist 12; D'Allesandro, Dist 20: Health, Human Services & Elderly Affairs)

**HB 226**, relative to a state policy on gambling. (Moore, Rock 84: Ways and Means)

**HB 227**, establishing a committee to study the feasibility of consolidating the administrative functions of regulatory boards and commissions into a single agency. (Hatch, Carr 7: Executive Departments and Administration)

**HB 228**, relative to conduct after an accident. (Jones, Sull 19; Bemis, Straf 67; Movsesian, Hills 60; Tholl, Coos 2: Transportation)

**HB 229-FN**, relative to increasing the contribution amount of call, substitute, or volunteer firefighters eligible for certain disability benefits. (Patten, Carr 7: Executive Departments and Administration)

**HB 230**, establishing a committee to study procedures for the joint legislative committee on administrative rules to introduce legislative changes. (Patten, Carr 7: Legislative Administration)

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Carson, Rock 75; C. Clarke, Merr 35: Education)

**HB 232**, repealing the one-year certificate of eligibility to teach. (Buckley, Hills 56: Education)

**HB 233**, relative to the nuclear planning and response program. (Welch, Rock 79: Science, Technology and Energy)

**HB 234**, relative to verification of vehicle identification. (Kennedy, Merr 24: Transportation)

**HB 235**, relative to removal of political advertising. (Buckley, Hills 56: Election Law)

**HB 236**, relative to recount application deadlines. (Buckley, Hills 56: Election Law)

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals. (Babson, Carr 6; Dickinson, Carr 4; Tholl, Coos 2; Merrow, Carr 6; Johnson, Dist 2: State-Federal Relations and Veterans Affairs)

**HCR 6**, urging the creation of a free and independent Palestinian state. (Poulin, Coos 3: State-Federal Relations and Veterans Affairs)

**CACR 4**, relating to the use of revenues for educational purposes. Providing that all moneys from the education trust fund be used exclusively for state aid to education. (McCormick, Merr 32: Finance)

**CACR 6**, relating to the encouragement of literature. Providing that it shall be the duty of the legislators and magistrates to not hinder, impede or obstruct the interest of literature and the sciences. (Bickford, Straf 68: Education)

**CACR 7**, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. (J. Pratt, Ches 24: Election Law)

## RECESS

(Rep. Mercer in the Chair)

## RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 237 through 249, 251 through 254, and House Resolution numbered 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILL and HR

### First, second reading and referral

**HB 237**, relative to health care in certain health care facilities. (Clemons, Hills 62; Lasky, Hills 65: Health, Human Services and Elderly Affairs)

- HB 238**, relative to the constitutionality of the presumption of procedural validity of municipal legislation. (L. Christiansen, Hills 66; Marple, Merr 37: Municipal and County Government)
- HB 239**, prohibiting the disclosure of certain information by a public utility. (Pilliod, Belk 31; Kurk, Hills 48: Science, Technology and Energy)
- HB 240**, establishing a committee to study ways to prevent suicide among young people in New Hampshire. (Sweeney, Hills 62; Clemons, Hills 62: Health, Human Services and Elderly Affairs)
- HB 241**, establishing a committee to study the creation of a separate board to regulate barbers. (D. Fields, Hills 58: Executive Departments and Administration)
- HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. (Patten, Carr 7: Municipal and County Government)
- HB 243**, relative to motor vehicle exhaust noise standards. (Artz, Hills 64; Bruno, Hills 45; Ouellette, Merr 33; Furman, Hills 64: Transportation)
- HB 244**, relative to landowner liability for snowmobile accidents. (Brady, Coos 2; Stohl, Coos 1; King, Coos 1; Woodward, Coos 3; Theberge, Coos 3; Gallus, Dist 1: Judiciary)
- HB 245**, relative to child custody decisions. (T. Robertson, Ches 25: Children and Family Law)
- HB 246**, relative to availability of absentee voting applicant lists. (Patten, Carr 7; Merrow, Carr 6: Election Law)
- HB 247**, relative to processing absentee ballots. (Patten, Carr 7: Election Law)
- HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases. (DeStefano, Merr 41: Children and Family Law)
- HB 249**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. (Bruno, Hills 45; Gilman, Graf 9: Judiciary)
- HB 251**, relative to party affiliation and voting in primary elections. (Bruno, Hills 45: Election Law)
- HB 252**, prohibiting schools from issuing out-of-school suspensions and establishing a committee to study the development of a community/school services program for suspended pupils. (Bruno, Hills 45: Education)
- HB 253**, relative to the design build concept for certain projects. (Graham, Hills 57; Kenison, Merr 41; Benn, Graf 17; McConkey, Carr 6; Eaton, Dist 10: Public Works and Highways)
- HB 254**, relative to the penalty for failing to have front and rear decals on an OHRV. (Bruno, Hills 45; Gilman, Graf 9: Transportation)
- HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 25; Rush, Merr 36; Cohen, Dist 24: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Hess in the Chair)

## RESOLUTION

Rep. Tahir offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 255 through 273 and House Concurrent Resolution numbered 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

- HB 255-L**, authorizing the creation of special purpose village districts within the Fall Mountain regional school district. (Phinizy, Sull 23; J. Pratt, Ches 24: Municipal and County Government)
- HB 256**, establishing a committee to study the feasibility of breast cancer awareness number plates. (S. Eaton, Graf 9; Batula, Hills 58; Major, Rock 79; DiFruscia, Rock 76: Transportation)
- HB 257**, relative to nomination of political candidates. (Clemons, Hills 62; Lasky, Hills 65; Buckley, Hills 56; D. Cote, Hills 62; Davidson, Rock 82; Foster, Dist 13: Election Law)
- HB 258**, relative to the community-technical college system. (Snyder, Straf 67; Colcord, Merr 34; Johnson, Dist 2: Executive Departments and Administration)
- HB 259**, relative to the regulation of gift certificates under the consumer protection act. (Stone, Rock 73; Clegg, Dist 14: Commerce)

- HB 260**, relative to checklists used on election day. (G. Katsakiores, Rock 77; P. Katsakiores, Rock 77; Gleason, Rock 77; Langone, Rock 77; Letourneau, Rock 77; Sapareto, Dist 19: Election Law)
- HB 261**, relative to lucky 7 licenses. (Fesh, Rock 77; Rice, Belk 30; Letourneau, Rock 77; Weyler, Rock 79; Boyce, Dist 4; Prescott, Dist 23; Gatsas, Dist 16: Ways and Means)
- HB 262**, relative to operators of bingo and games of chance. (Heon, Straf 67; Davidson, Rock 82; Boyce, Belk 31; Boyce, Dist 4; Green, Dist 6; Sapareto, Dist 19: Ways and Means)
- HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. (Batula, Hills 58; Wendelboe, Belk 29; Boyce, Belk 31; French, Merr 34; Martel, Dist 18; O'Hearn, Dist 12; Boyce, Dist 4: Health, Human Services and Elderly Affairs)
- HB 264**, establishing state representative districts. (Stritch, Rock 75; Elliott, Hills 42; Alger, Graf 14; Giuda, Graf 13: Election Law)
- HB 265**, relative to the health care delivery system. (Hunt, Ches 28; Flanders, Dist 7: Commerce)
- HB 266**, requiring youth bicyclists and skateboarders to wear protective headgear. (P. Katsakiores, Rock 77; G. Katsakiores, Rock 77; Gleason, Rock 77; Flanders, Dist 7; Martel, Dist 18: Transportation)
- HB 267**, relative to the collection of data on the status of air quality in public schools. (Carson, Rock 75; P. Katsakiores, Rock 77: Education)
- HB 268**, relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support. (Gargasz, Hills 46: Children and Family Law)
- HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services. (Anderson, Merr 41: Finance)
- HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state. (Gleason, Rock 77: Transportation)
- HB 271**, relative to walking disability plates and placards. (Gleason, Rock 77: Transportation)
- HB 272-FN**, relative to a pilot study by the department of transportation restricting large truck traffic during hours of darkness on certain roads in Portsmouth. (Shultis, Rock 86; M. Blanchard, Rock 86; Langley, Rock 88; Pantelakos, Rock 86; Cohen, Dist 24: Public Works and Highways)
- HB 273**, requiring town and city clerks to distribute a list of crisis pregnancy centers to persons issued a marriage certificate. (Woods, Straf 69: Municipal and County Government)
- HCR 7**, opposing unfunded and under-funded federal education mandates. (B. Richardson, Ches 26; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Balboni in the Chair)

## RESOLUTION

Rep. Rogers Johnson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 274 through 299, and 301 through 323, House Joint Resolution numbered 1, House Concurrent Resolutions numbered 8 and 9, and Constitutional Amendment Concurrent Resolution numbered 8 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR, HCRs and CACR

### First, second reading and referral

- HB 274-A**, making an appropriation for the restoration of the White Island Light Station. (Rogers Johnson, Rock 83; M. Blanchard, Rock 86; J. Gilbert, Rock 83: Resources, Recreation and Development)
- HB 275**, establishing a committee to study ballot reform. (Weed, Ches 25: Election Law)
- HB 276-FN**, relative to protective custody for intoxicated or incapacitated persons. (Welch, Rock 79; Knowles, Straf 69; K. Gilbert, Rock 82: Criminal Justice and Public Safety)
- HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7: Criminal Justice and Public Safety)
- HB 278-FN**, relative to certain acts of sexual assault. (Knowles, Straf 69; Welch, Rock 79; Jones, Sull 19; Tholl, Coos 2: Criminal Justice and Public Safety)
- HB 279**, relative to the licensure of emergency medical dispatchers. (S. L'Heureux, Merr 37; Palangas, Hills 52; Clegg, Dist 14: Executive Departments and Administration)

**HB 280-FN**, relative to the poison information center. (MacKay, Merr 39; Seldin, Merr 39; Emerton, Hills 48; Currier, Merr 34; Nordgren, Graf 17; Martel, Dist 18; Below, Dist 5: Science, Technology and Energy)

**HB 281-FN**, relative to regulation of irrigation system electricians by the electrician's board. (Rowe, Hills 47: Executive Departments and Administration)

**HB 282**, relative to granting solid waste management facility permits. (Densmore, Graf 10; Bemis, Straf 67, Gilman, Graf 9; P. Katsakiores, Rock 77; King, Coos 1; Gallus, Dist 1; D'Allesandro, Dist 20: Municipal and County Government)

**HB 283-FN**, establishing the penalty for endangering the welfare of a child or incompetent resulting in death or serious bodily harm. (Ouellette, Merr 33; Luebker, Hills 54; Batchelder, Ches 24: Criminal Justice and Public Safety)

**HB 284**, relative to the issuance of bonds in school districts and municipalities using the official ballot. (Gibson, Hills 58; Slocum, Hills 47; L. Christiansen, Hills 66; Hinkle, Hills 58; Marple, Merr 37; Boyce Dist 4: Municipal and County Government)

**HB 285**, relative to establishing non-amendable articles by voter petition. (Slocum, Hills 47; Gilman, Graf 9; L. Christiansen, Hills 66; Roberge, Dist 9: Municipal and County Government)

**HB 286**, establishing a committee to study certain proposals to fund education in New Hampshire. (Carlson, Hills 44; Ross, Hills 44: Finance)

**HB 287**, establishing a professional malpractice claims study commission. (Mock, Carr 4; Craig, Hills 50; MacKay, Merr 39; Batula, Hills 58; Francoeur, Rock 85: Judiciary)

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7; K. Gilbert, Rock 82: Criminal Justice and Public Safety)

**HB 289**, relative to outdoor automatic sprinkler systems. (Spang, Straf 72: Resources, Recreation and Development)

**HB 290**, relative to the burden of proof in medical injury cases. (Craig, Hills 50: Judiciary)

**HB 291-FN**, establishing an enhanced penalty for assaults, sexual assaults, and related offenses against the elderly. (P. Katsakiores, Rock 77; G. Katsakiores, Rock 77; Rausch, Rock 77; Bridle, Rock 85: Criminal Justice and Public Safety)

**HB 292**, relative to vehicles entering intersections. (Schmidt, Straf 70; Pelletier, Straf 71; Weed, Ches 25; Spang, Straf 72; Cohen, Dist 24: Transportation)

**HB 293**, establishing a commission to identify medical errors and their causes. (Batula, Hills 58; Hess, Merr 37; Francoeur, Rock 85; Craig, Hills 50; Mock, Carr 4; Martel, Dist 18; O'Hearn, Dist 12; D'Allesandro, Dist 20; Boyce, Dist 4; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

**HB 294**, relative to notification of abutting communities of ridge-line or above developments. (Hatch, Carr 7: Municipal and County Government)

**HB 295**, relative to information filed with the regional planning commissions. (R. Cooney, Rock. 76; M. Allen, Rock 81; Weyler, Rock 79: Municipal and County Government)

**HB 296**, relative to settlement agreements in medical malpractice suits. (Mock, Carr 4; Francoeur, Rock 85; Craig, Hills 50: Judiciary)

**HB 297**, establishing an alternative nomination process for political organizations. (Bicknell, Rock 73; Stritch, Rock 75: Election Law)

**HB 298**, relative to the award of joint physical custody of children. (Bickford, Straf 68: Children and Family Law)

**HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses. (Bickford, Straf 68: Children and Family Law)

**HB 301**, relative to the property tax exemption for certain pollution control facilities. (Densmore, Graf 10; King, Coos 1; Gilman, Graf 9; Bemis, Straf 67; Gallus, Dist 1; D'Allesandro, Dist 20: Municipal and County Government)

**HB 302-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. (Welch, Rock 79; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 303**, relative to life, accident, and health technicals. (D. Flanders, Belk 30; Flanders, Dist 7: Commerce)

**HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor. (Chandler, Carr 4; Whalley, Belk 31; King, Coos 1; Stohl, Coos 1; Cohen, Dist 24; Clegg, Dist 14; Eaton, Dist 10: Resources, Recreation and Development)

- HB 305**, relative to time allowed for voting. (Brundige, Hills 58; Patten, Carr 7; Dickinson, Carr 4: Election Law)
- HB 306**, relative to the procedure for determining the order of names on the general election ballot. (Burling, Sull 19; J. Pratt, Ches 24; Craig, Hills 50: Election Law)
- HB 307**, relative to municipal regulation of public highways. (Twombly, Straf 67; Kenison, Merr 41: Municipal and County Government)
- HB 308**, adopting the uniform mediation act. (Gargas, Hills 46; Roberge, Dist 9: Judiciary)
- HB 309-L**, relative to placement and removal of political advertising. (R. Wheeler, Hills 48: Election Law)
- HB 310**, establishing a commission to study child support issues. (Bickford, Straf 68: Children and Family Law)
- HB 311**, repealing the distribution of family planning service lists by the town clerk. (Souza, Hills 51; Cady, Rock 73; Hagan, Hills 50; Albert, Straf 67; Giuda, Graf 13; Martel, Dist 18; Barnes, Dist 17: Municipal and County Government)
- HB 312**, relative to designating county delegates on state election ballots. (N. Johnson, Straf 68: Election Law)
- HB 313**, establishing a committee to study the feasibility of setting aside a portion of tobacco settlement money to subsidize smoking cessation programs. (Pitts, Rock 86: Ways and Means)
- HB 314**, establishing a committee to study the feasibility of buying pharmaceuticals on a statewide or regional basis. (Pitts, Rock 86: Health, Human Services and Elderly Affairs)
- HB 315**, establishing a committee to study methods for accelerating appeals of denials of residential development permits. (Almy, Graf 18; J. Gilbert, Rock 83; Hammond, Graf 18: Municipal and County Government)
- HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. (Emerton, Hills 48; Dalrymple, Rock 76; DiFruscia, Rock 76; Martel, Dist 18; Larsen, Dist 15: Commerce)
- HB 317**, relative to medical insurance for dependent children. (M. Cooney, Graf 15; Naro, Graf 15: Commerce)
- HB 318**, relative to trespassing on certain rail lines. (Splaine, Rock 86: Transportation)
- HB 319**, relative to the deadline for implementing a statewide voter checklist. (Buckley, Hills 56: Election Law)
- HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. (Clayton, Hills 50; Baroody, Hills 54: Executive Departments and Administration)
- HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. (Clayton, Hills 50; Baroody, Hills 54: Executive Departments and Administration)
- HB 322**, relative to the commission on the status of men. (Bickford, Straf 68: Executive Departments and Administration)
- HB 323**, relative to the task force on family law. (Bickford, Straf 68: Children and Family Law)
- HJR 1**, urging the department of transportation to provide sufficient time to resolve a dispute regarding certain portions of the Conway bypass project. (Dickinson, Carr 4; C. Brown, Carr 4; Mock, Carr 4; Kenney, Dist 3: Public Works and Highways)
- HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans. (Joseph Manning, Ches 28; Guay, Coos 2; Heon, Straf 67; Ross, Hills 44; Gillick, Rock 85; D'Allesandro, Dist 20: State-Federal Relations and Veterans Affairs)
- HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. (Almy, Graf 18; Kurk, Hills 48; M. Smith, Straf 72; Buhlman, Hills 66: State-Federal Relations and Veterans Affairs)
- CACR 8**, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. (DiFruscia, Rock 76; Phinizy, Sull 23; Corbin, Rock 79; Soltani, Merr 37; Gallus, Dist 1: Executive Departments and Administration)



**(Rep. Giuda in the Chair)****RESOLUTION**

Rep. Batula offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 324 through 344 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 324**, relative to the Jaffrey-Peterborough district court and the Henniker-Hillsborough district court. (Elliott, Hills 42: Judiciary)

**HB 325**, relative to the Henniker-Hillsborough district court and the New London district court. (Elliott, Hills 42; Odell, Dist 8: Judiciary)

**HB 326**, relative to establishing a 6-year capital budget. (Leber, Merr 35; Cloutier, Sull 22; E. Smith, Ches 26; Weyler, Rock 79; Rausch, Rock 77; Flanders, Dist 7; Morse, Dist 22; Johnson, Dist 2; Clegg, Dist 14; Kenney, Dist 3: Public Works and Highways)

**HB 327**, establishing a committee to study the use of state vehicles. (Wendelboe, Belk 29; Boyce, Dist 4: Finance)

**HB 328**, relative to the allocation of costs in court actions. (Arnold, Hills 46: Judiciary)

**HB 329-FN**, establishing a pilot program for the introduction of Grass Carp into Flints Pond in the town of Hollis. (Drisko, Hills 46; Gargas, Hills 46; Arnold, Hills 46; Haytayan, Hills 46; O'Hearn, Dist 12: Fish and Game)

**HB 330**, relative to public utilities mergers and acquisitions. (McHugh, Hills 61; Crane, Hills 59; Gibson, Hills 58; Sorg, Graf 11: Science, Technology and Energy)

**HB 331-FN**, relative to discovery in public utilities commission proceedings. (McHugh, Hills 61; Crane, Hills 59; Gibson, Hills 58; Sorg, Graf 11: Science, Technology and Energy)

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. (Spiess, Hills 47; Dokmo, Hills 47; Hess, Merr 37; Bergin, Hills 47; Below, Dist 5: Election Law)

**HB 333**, relative to sentences for first time offenders. (Pantelakos, Rock 86: Criminal Justice and Public Safety)

**HB 334**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 25; Rush, Merr 36; Cohen, Dist 24: Commerce)

**HB 335**, relative to the regulation of the operation of OHRVs. (Drisko, Hills 46; Haytayan, Hills 46; Arnold, Hills 46; O'Hearn, Dist 12: Transportation)

**HB 336-L**, relative to the development and adoption of the school administrative unit budget. (Alger, Graf 14; Kurk, Hills 48; Slocum, Hills 47; T. Allen, Hills 45; Emerton, Hills 48: Education)

**HB 337-FN-A-L**, relative to state funding of county correctional facilities. (Cloutier, Sull 22; J. Pratt, Ches 24; Gorman, Hills 62; Milligan, Hills 58; Jacobson, Merr 32; Odell, Dist 8: Finance)

**HB 338**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. (Gilman, Graf 9; Buhlman, Hills 66; Sorg, Graf 11: Judiciary)

**HB 339**, establishing a committee to study the use of certain state-owned property along the Baker River. (Alger, Graf 14: Resources, Recreation and Development)

**HB 340**, establishing a committee to study implementing keno in the state of New Hampshire. (Weyler, Rock 79; Langley, Rock 88; Dickinson, Carr 4: Ways and Means)

**HB 341**, relative to performance budgeting of state programs and agencies. (Weyler, Rock 79; Kurk, Hills 48; Barnes, Dist 17; Gatsas, Dist 16: Executive Departments and Administration)

**HB 342**, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act. (Pilliod, Belk 31; Kurk, Hills 48; MacKay, Merr 39: Commerce)

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine. (Pantelakos, Rock 86: Municipal and County Government)

**HB 344**, relative to a supplemental veteran designation for legislative license plates. (J. Dunn, Ches 25; Jacobson, Merr 32; Heon, Straf 67; D'Allesandro, Dist 20: Legislative Administration)

RECESS

**(Rep. Whalley in the Chair)****RESOLUTION**

Rep. Vivian Clark offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 345 through 349, 351 through 358, House Concurrent Resolution numbered 14 and Constitutional Amendment Concurrent Resolution numbered 9 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, HCR and CACR****First, second reading and referral**

**HB 345**, relative to qualifications of elected town officers. (Drisko, Hills 46; Gargas, Hills 46; Arnold, Hills 46: Municipal and County Government)

**HB 346**, establishing a commission to study the impact of traffic law violations on public health and safety and state and municipal resources. (Furman, Hills 64; Artz, Hills 64; Lasky, Hills 65; Packard, Rock 75; O'Hearn, Dist 12; Clegg, Dist 14: Transportation)

**HB 347**, limiting access to certain business records. (Dickinson, Carr 4; Mock, Carr 4; C. Brown, Carr 4; Belanger, Rock 76; Gallus, Dist 1; Kenney, Dist 3; Johnson, Dist 2: Commerce)

**HB 348-FN**, relative to the compensation of jurors. (Arnold, Hills 46: Judiciary)

**HB 349**, relative to establishment and enforcement of speed limits. (Vachon, Straf 68: Transportation)

**HB 351**, requiring completion of a child impact seminar prior to filing for divorce. (Hopper, Hills 48: Children and Family Law)

**HB 352**, establishing a committee to study the feasibility of a desalinization plant in the New Hampshire seacoast region. (Varrell, Rock 79; V. Clark, Rock 79; Francoeur, Rock 85; Introne, Rock 75; Weare, Rock 84; Wall, Straf 72; Prescott, Dist 23: Resources, Recreation and Development)

**HB 353-FN-A**, making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. (R. Cooney, Rock 76; Leach, Hills 42; Spang, Straf 72; M. Blanchard, Rock 86: Resources, Recreation and Development)

**HB 354-FN**, relative to dog license fees. (Patten, Carr 7: Municipal and County Government)

**HB 355-FN**, relative to the permissible fireworks review committee, the fireworks license fee, and the authority of the permissible fireworks inspector. (Hunter, Hills 48; Welch, Rock 79: Criminal Justice and Public Safety)

**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system. (Zolla, Rock 77: Executive Departments and Administration)

**HB 357-FN**, relative to child support insurance settlement intercept. (Emerton, Hills 48; Arnold, Hills 46; Wallner, Merr 40; Martel, Dist 18: Children and Family Law)

**HB 358-FN-L**, relative to recount fees in local elections. (Stritch, Rock 75: Election Law)

**HCR 14**, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education. (Pepino, Hills 51; Giuda, Graf 13; Balboni, Hills 59; Soltani, Merr 37; Woods, Straf 69; Boyce, Dist 4; Kenney, Dist 3; Gallus, Dist 1: Ways and Means)

**CACR 9**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2005 be commissioned for 7-year terms, which may be renewed. (J. Wheeler, Hills 47; Wendelboe, Belk 29; Soltani, Merr 37; Boyce, Dist 4; Roberge, Dist 9: Judiciary)

**RECESS****(Rep. Rogers Johnson in the Chair)****RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 359 through 379 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

- HB 359**, establishing a procedure for apportioning state senate and representative districts. (Alger, Graf 14; Giuda, Graf 13; M. Harrington, Straf 68; Dickinson, Carr 4; Boyce, Dist 4: Election Law)
- HB 360-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Konys, Hills 65; Rowe, Hills 47; Drisko, Hills 46; D. Cote, Hills 62; Foster, Dist 13: Finance)
- HB 361-L**, permitting municipalities to form regional water districts. (Graham, Hills 57; Mercer, Hills 59; Lasky, Hills 65; Furman, Hills 64; Bergin, Hills 47; Roberge, Dist 9; Peterson, Dist 11; O'Hearn, Dist 12; Clegg, Dist 14: Municipal and County Government)
- HB 362-L**, relative to approval of certain capital and operating costs in the Fall Mountain regional school district. (Phinizy, Sull 23; J. Pratt, Ches 24: Education)
- HB 363-L**, relative to the funding formula for cooperative school districts. (Arnold, Hills 46: Education)
- HB 364-FN**, relative to the use of automatic telephone dialing systems for political advocacy. (Dokmo, Hills 47; Spiess, Hills 47; Hess, Merr 37; Bergin, Hills 47; Below, Dist 5: Election Law)
- HB 365**, relative to governmental land uses. (Langley, Rock 88; Naro, Graf 15; M. Cooney, Graf 15; Hughes, Rock 88; Cohen, Dist 24: Municipal and County Government)
- HB 366**, relative to mercury reduction. (Phinizy, Sull 23; Babson, Carr 6; Owen, Merr 34; P. Sullivan, Hills 50; P. Allen, Ches 27; Cohen, Dist 24: Science, Technology and Energy)
- HB 367**, relative to cats and dogs. (Phinizy, Sull 23: Environment and Agriculture)
- HB 368**, making technical corrections to the statutory list of dedicated funds. (Almy, Graf 18: Ways and Means)
- HB 369**, relative to the Henniker and Hillsborough district courts. (Dionne, Hills 42; Currier, Merr 34: Judiciary)
- HB 370-FN**, relative to the dispensing of lucky 7 tickets. (Heon, Straf 67; Boyce, Belk 31; Lessard, Hills 66; C. Pappas, Hills 49; Sapareto, Dist 19; Green, Dist 6: Ways and Means)
- HB 371**, relative to warrant article recommendations in towns which have adopted the official ballot referendum form of meeting. (Major, Rock 79; Stone, Rock 73; J. Gilbert, Rock 83: Municipal and County Government)
- HB 372**, relative to exceptions for unauthorized use of firearms and firecrackers in cities and towns. (L. Christiansen, Hills 66: Fish and Game)
- HB 373**, establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. (L. Christiansen, Hills 66; Marple, Merr 37: Judiciary)
- HB 374**, relative to a petition by an inmate for a suspended sentence. (Gile, Merr 38: Criminal Justice and Public Safety)
- HB 375**, establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in preschools, primary grades, and childcare centers. (Gile, Merr 38; Ingbreton, Graf 13; Grassie, Straf 67; Gargas, Hills 46; Bickford, Straf 68: Health, Human Services and Elderly Affairs)
- HB 376**, establishing a committee to study the feasibility of performing eye examinations or eye screenings on children prior to enrollment in a public elementary school, public preschool program, or Head Start program. (Leber, Merr 35; Liebl, Ches 27; Flanders, Dist 7: Health, Human Services and Elderly Affairs)
- HB 377**, relative to discipline of state employees or officers making willful false statements. (Gilman, Graf 9; Maybeck, Graf 16; Twombly, Straf 67; Cady, Rock 73; Buhlman, Hills 66; Boyce, Dist 4: Executive Departments and Administration)
- HB 378**, prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children. (L. Christiansen, Hills 66; Marple, Merr 37: Education)
- HB 379**, relative to penalties for OHRV violations by underage operators. (Itse, Rock 80: Transportation)

**(Rep Whalley in the Chair)****RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 380 through 399, 401 through 449, 451 and 452, and House Concurrent Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS and HCR****First, second reading and referral**

**HB 380**, requiring legislative approval of any settlement of certain lawsuits against the state. (Kurk, Hills 48: Finance)

**HB 381-FN**, requiring proposed bills and rules to include an analysis of their impact on personal privacy. (Kurk, Hills 48; M. Smith, Straf 72: Legislative Administration)

**HB 382**, relative to state-funded health insurance. (Woods, Straf 69; Kurk, Hills 48; Rogers Johnson, Rock 83; Clegg, Dist 14: Commerce)

**HB 383**, limiting the disclosure of personal information on government Internet sites and amending the information practices act. (Kurk, Hills 48; M. Smith, Straf 72: Executive Departments and Administration)

**HB 384**, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act. (Pilliod, Belk 31; Kurk, Hills 48: Commerce)

**HB 385**, requiring compliance with local ordinances in the establishment of public ATV and trail bike trails on private lands. (Hallyburton, Hills 45; T. Allen, Hills 45; Coughlin, Hills 45: Resources, Recreation and Development)

**HB 386**, establishing a committee to study individual development accounts. (P. Sullivan, Hills 50: Finance)

**HB 387-FN**, allowing free admission to the state park system for active duty members of the armed services and certain members of the national guard and reserves. (P. Sullivan, Hills 50: State-Federal Relations and Veterans Affairs)

**HB 388**, permitting the reduction of the speed limit within a business or urban residence district or within the compact part of cities or towns to 15 miles per hour. (P. Sullivan, Hills 50; C. Laflamme, Hills 50; Pepino, Hills 51: Transportation)

**HB 389**, relative to victim impact statements. (P. Sullivan, Hills 50; Espieffs, Ches 25: Criminal Justice and Public Safety)

**HB 390**, relative to liability of nonprofit organizations. (N. Johnson, Straf 68; Rodeschin, Sull 20; Konys, Hills 65; Kenney, Dist 3: Judiciary)

**HB 391**, requiring candidates to acknowledge restrictions on political advertising. (Bergin, Hills 47: Election Law)

**HB 392-L**, requiring a study by the office of state planning of ways to improve the delivery of information and training to planning board and zoning board members. (Spang, Straf 72; Babson, Carr 6; Twombly, Straf 67; C. Christensen, Hills 58; Shultis, Rock 86; Wall, Straf 72; Estabrook, Dist 21; Odell, Dist 8; Below, Dist 5: Executive Departments and Administration)

**HB 393**, extending the reporting dates for certain study committees. (Alger, Graf 14; Pilliod, Belk 31; Martel, Dist 18: Health, Human Services and Elderly Affairs)

**HB 394**, relative to incompatible offices. (Vaillancourt, Hills 56; Drisko, Hills 46; Reeves, Hills 49; Roberge, Dist 9; Gatsas, Dist 16; Sapareto, Dist 19; Boyce, Dist 4; Flanders, Dist 7: Election Law)

**HB 395**, relative to proof of qualifications for voter registration. (Vaillancourt, Hills 56; Drisko, Hills 46; Reeves, Hills 49; Beaton, Hills 49; Roberge, Dist 9; Gatsas, Dist 16; Sapareto, Dist 19; Boyce, Dist 4; Flanders, Dist 7: Election Law)

**HB 396-FN**, relative to penalties for tampering with or desecrating a burial site. (Morris, Rock 84; Haytayan, Hills 46; Wall, Straf 72; Sapareto, Dist 19: Criminal Justice and Public Safety)

**HB 397**, permitting towns and cities to deny a planning board application by a vote of the legislative body. (J. Dunn, Ches 25; Hammond, Graf 18; Brueggemann, Merr 40; P. Allen, Ches 27: Municipal and County Government)

**HB 398**, establishing a committee to study the establishment of a healthy adults corporation. (Mears, Coos 3: Commerce)

**HB 399**, establishing the town of East Derry. (Dupuis, Rock 77; Buhlman, Hills 66; John Manning, Rock 76: Municipal and County Government)

**HB 401**, relative to approvals under the groundwater protection act. (Spang, Straf 72; Wall, Straf 72; Musler, Straf 68; Estabrook, Dist 21; Green, Dist 6: Resources, Recreation and Development)

**HB 402**, relative to child passenger restraints. (R. L'Heureux, Hills 58; G. Katsakiores, Rock 77; Kenison, Merr 41; Wallner, Merr 40; Roberge, Dist 9; Flanders, Dist 7; Johnson, Dist 2; O'Hearn, Dist 12: Transportation)

**HB 403**, requiring persons who are acquitted of certain sexual assaults by reason of insanity to register as sexual offenders. (Crane, Hills 59; Movsesian, Hills 60; L. Christiansen, Hills 66; Knowles, Straf 69: Criminal Justice and Public Safety)

**HB 404**, relative to common trust funds. (Hunt, Ches 28; Kenney, Dist 3: Commerce)

**HB 405**, authorizing school districts to authorize a period of time for silent individual reflection in public schools. (Flayhan, Rock 80; Wiley, Rock 77; Mosher, Hills 63; Itse, Rock 80; Reeves, Hills 49: Education)

**HB 406**, establishing a speed limit for powerboats on Lake Winnepesaukee. (Hatch, Carr 7; Derby, Carr 7; Stevens, Carr 7; Johnson, Dist 2; Kenney, Dist 3: Transportation)

**HB 407**, allowing municipalities the option of appraising property based on assigned values reflecting the current use of property, and requiring the current use board to adopt criteria for such appraisal. (McCormick, Merr 32: Municipal and County Government)

**HB 408**, relative to the definition of political "party." (Marple, Merr 37: Election Law)

**HB 409**, relative to the accountability of public officials. (Marple, Merr 37: Criminal Justice and Public Safety)

**HB 410**, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment. (Winchell, Rock 78; Flanagan, Rock 78; Dist 18, Martel; Dist 4, Boyce: Criminal Justice and Public Safety)

**HB 411**, allowing municipalities to adopt a property tax exemption for owners who permit snowmobile use. (King, Coos 1; Stohl, Coos 1; Gallus, Dist 1; Flanders, Dist 7: Municipal and County Government)

**HB 412**, establishing a committee to study insurance coverage for alternative medical treatment. (Cloutier, Sull 22; S. Harris, Sull 22; French, Merr 34; Odell, Dist 8: Commerce)

**HB 413-L**, relative to awarding attorneys' fees and costs in abatement and certain appeals proceedings when the taxpayer prevails. (Mooney, Hills 58; Derby, Carr 7: Municipal and County Government)

**HB 414**, requiring liquor liability insurance for state liquor licensees. (Mooney, Hills 58; Derby, Carr 7: Commerce)

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors. (Hopper, Hills 48; Itse, Rock 80: Criminal Justice and Public Safety)

**HB 416**, requiring reciprocal discovery in criminal cases. (Sorg, Graf 11: Criminal Justice and Public Safety)

**HB 417**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2007, and establishing a state government reorganization task force. (Splaine, Rock 86; P. Sullivan, Hills 50; Davidson, Rock 82: Executive Departments and Administration)

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (Derby, Carr 7: Criminal Justice and Public Safety)

**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property. (Stohl, Coos 1; King, Coos 1; Chandler, Carr 4: Public Works and Highways)

**HB 420**, relative to state-owned trails and parking lots in the town of Windham. (DiFruscia, Rock 76; Waterhouse, Rock 76; Doyle, Rock 76; John Manning, Rock 76; Belanger, Rock 76: Resources, Recreation and Development)

**HB 421-FN-A**, relative to the waiting list for services for people with developmental disabilities and making an appropriation therefor. (Holland, Rock 76: Finance)

**HB 422**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Rowe, Hills 47: Judiciary)

**HB 423**, relative to safe deposit boxes. (Reardon, Merr 39; Kenney, Dist 3: Commerce)

**HB 424**, relative to a net asset qualification and age qualifications for the elderly property tax exemption, and clarifying certain references in property tax exemptions. (Akins, Graf 18; Dudley, Graf 18; Langone, Rock 77; Gallus, Dist 1; Martel, Dist 18: Municipal and County Government)

**HB 425**, establishing the prescription drug cost task force. (Akins, Graf 18; Griffin, Rock 76; Dalrymple, Rock 76; Peterson, Dist 11; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

**HB 426**, relative to the monitoring and approval of appraisers by the commissioner of revenue administration. (Stohl, Coos 1; Patten, Carr 7; Stone, Rock 73: Municipal and County Government)

**HB 427**, making the position of "treasurer" optional for school districts. (T. Robertson, Ches 25: Education)

**HB 428**, relative to limiting liability of vendors and property owners during the operation of a farmers' market. (Ahern, Belk 29; Babson, Carr 6; Scott, Straf 71; Clegg, Dist 14; Odell, Dist 8: Judiciary)

**HB 429**, relative to processing excavating and dredging permits. (Camm, Rock 79: Resources, Recreation and Development)

**HB 430**, relative to the scope of family health insurance policies. (Moran, Hills 57; McRae, Hills 48; B. Richardson, Ches 26; Roberge, Dist 9: Commerce)

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property. (Moran, Hills 57; Hunt, Ches 28; Sapareto, Dist 19, Roberge, Dist 9: Commerce)

**HB 432**, relative to nonbinding municipal referendums. (Dumaine, Rock 75; Hutchinson, Rock 75: Municipal and County Government)

**HB 433**, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. (P. Katsakiores, Rock 77; G. Katsakiores, Rock 77: Criminal Justice and Public Safety)

**HB 434-L**, relative to junkyards and motor vehicle recycling yards. (Alger, Graf 14; M. Cooney, Graf 15; Stone, Rock 73; Roberge, Dist 9: Municipal and County Government)

**HB 435**, relative to certificates of registration upon transfer of a vehicle. (Letourneau, Rock 77; Packard, Rock 75; Artz, Hills 64; Prescott, Dist 23; Clegg, Dist 14; Johnson, Dist 2: Transportation)

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. (Rodeschin, Sull 20; Burling, Sull 19; Thomas, Belk 31; S. Harris, Sull 22; Chandler, Carr 4; Odell, Dist 8; Eaton, Dist 10; Below, Dist 5: Science, Technology and Energy)

**HB 437**, establishing a committee to study the feasibility of implementing common law grand juries in New Hampshire. (Marple, Merr 37: Judiciary)

**HB 438-L**, relative to charging a disposal fee for temporary signs. (T. Robertson, Ches 25: Municipal and County Government)

**HB 439**, allowing municipalities the option to tax land values at a different rate than buildings and improvements. (Noyes, Rock 76; Weyler, Rock 79; G. Katsakiores, Rock 77: Municipal and County Government)

**HB 440**, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals. (Chandler, Carr 4; Mock, Carr 4; Stohl, Coos 1; R. L'Heureux, Hills 58; Clegg, Dist 14: Fish and Game)

**HB 441**, establishing a committee to study adoption of the Uniform Probate Code. (McEachern, Rock 86: Judiciary)

**HB 442**, relative to emission control equipment. (Artz, Hills 64: Science, Technology and Energy)

**HB 443**, granting prescriptive authority to qualified psychologists. (Kathleen Taylor, Straf 70; C. Laflamme, Hills 50: Executive Departments and Administration)

**HB 444**, relative to summoning witnesses from another state. (J. Wheeler, Hills 47: Judiciary)

**HB 445**, relative to consideration of domestic violence in child custody and visitation decisions and relative to the time period in which a motion for protective order from domestic violence may be filed. (Stone, Rock 73; Knowles, Straf 69; Peterson, Dist 11: Children and Family Law)

**HB 446**, relative to building permits. (Bickford, Straf 68: Municipal and County Government)

**HB 447**, limiting retroactive child support awards under the uniform act on paternity. (Bickford, Straf 68: Children and Family Law)

**HB 448**, implementing a reasonableness standard for individualized education plans. (Alger, Graf 14; Slocum, Hills 47; T. Allen, Hills 45; Gilman, Graf 9; Kurk, Hills 48; Boyce, Dist 4; Johnson, Dist 2: Education)

**HB 449**, relative to disclosure of the amount of property taxes paid by a tenant's rent. (Benn, Graf 17; M. Smith, Straf 72; Graham, Hills 57; Akins, Graf 18; Below, Dist 5: Judiciary)

**HB 451**, relative to terminating rights to business names when transferring ownership of historic buildings. (B. Richardson, Ches 26; Joseph Manning, Ches. 28; Espieffs, Ches 25; Eaton, Dist 10; Peterson, Dist 11: Commerce)

**HB 452**, relative to political advertising on public property. (Langley, Rock 88; Bergin, Hills 47: Municipal and County Government)

**HCR 10** recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. (Marple, Merr 37; L. Christiansen, Hills 66: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Batula in the Chair)

## RESOLUTION

Rep. Giuda offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 453 through 499, 501 through 549, 551 through 563, House Concurrent Resolutions numbered 11, 12, 13 and 15, House Resolution numbered 8 and Constitutional Amendment Concurrent Resolution numbered 10 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRs, HR and CACR

### First, second reading and referral

**HB 453**, relative to recommendations of certain municipal boards. (Cady, Rock 73: Municipal and County Government)

**HB 454**, relative to property rights and large groundwater withdrawals. (Cady, Rock 73; Bicknell, Rock 73; Kobel, Rock 73; Green, Dist 6: Resources, Recreation and Development)

**HB 455**, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. (S. Harris, Sull 22; Wendelboe, Belk 29; Burling, Sull 19; Miller, Straf 72; Dalrymple, Rock 76; Odell, Dist 8; Below, Dist 5: Municipal and County Government)

**HB 456**, relative to the supreme court's authority to appoint a member to the ballot law commission. (Marple, Merr 37; Cataldo, Straf 68; Alger, Graf 14; L. Christiansen, Hills 66; Ahern, Belk 29; Boyce, Dist 4; Martel, Dist 18; Roberge, Dist 9: Election Law)

**HB 457**, establishing a committee to study the transportation needs of certain of the state's citizens. (G. Katsakiores, Rock 77; Letourneau, Rock 77; Gleason, Rock 77: Health, Human Services and Elderly Affairs)

**HB 458**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. (P. Harrington, Hills 60; Souza, Hills 51; B. Richardson, Ches 26; Hagan, Hills 50; P. Allen, Ches 27; Prescott, Dist 23; O'Hearn, Dist 12: Resources, Recreation and Development)

**HB 459**, relative to market conduct examinations. (Fraser, Merr 37; Langley, Rock 88: Commerce)

**HB 460-FN**, relative to property and casualty insurance. (D. Flanders, Belk 30; Flanders, Dist 7: Commerce)

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities. (Joseph Manning, Ches 28; Batula, Hills 58; Itse, Rock 80; Martel, Dist 18: Health, Human Services and Elderly Affairs)

**HB 462**, relative to the operation of ski craft within navigation channels. (Morris, Rock 84: Resources, Recreation and Development)

**HB 463**, adding certain health care providers to certain statutes. (French, Merr 34; Sokol, Graf 17: Health, Human Services and Elderly Affairs)

**HB 464-FN**, establishing a criminal penalty for facilitating a drug or underage alcohol house party. (Knowles, Straf 69; Welch, Rock 79; Tholl, Coos 2; D'Allesandro, Dist 20; Gallus, Dist 1: Criminal Justice and Public Safety)

**HB 465**, relative to the rulemaking authority of the department of health and human services and relative to licensing rules for health facilities. (Patten, Carr 7; Emerton, Hills 48; Dalrymple, Rock 76; Kathleen Taylor, Straf 70; Flanders, Dist 7; Below, Dist 5; Kenney, Dist 3: Health, Human Services and Elderly Affairs)

- HB 466**, relative to the adoption procedure for property tax exemptions and credits. (Patten, Carr 7: Municipal and County Government)
- HB 467**, allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions. (Patten, Carr 7; D. Fields, Hills 58; Heon, Straf 67; Johnson, Dist 2: Municipal and County Government)
- HB 468**, relative to enforcement of the labor protection statutes. (Gilman, Graf 9; Sorg, Graf 11; Dionne, Hills 42; Kennedy, Merr 34: Labor, Industrial and Rehabilitative Services)
- HB 469**, relative to areas of the state for hunting by crossbow. (R. L'Heureux, Hills 58; Carlson, Hills 44; Fletcher, Hills 48; Gorman, Hills 62; Roberge, Dist 9; Gallus, Dist 1; Clegg, Dist 14: Fish and Game)
- HB 470**, relative to health insurance providers. (Gilman, Graf 9; Buhlman, Hills 66; Sorg, Graf 11; Martel, Dist 18: Commerce)
- HB 471**, relative to cost containment practices and establishing an insurance review and advisory board. (Gilman, Graf 9; Ingbreton, Graf 13; Buhlman, Hills 66; Sorg, Graf. 11; Martel, Dist 18: Commerce)
- HB 472**, relative to health insurance terminology. (Gilman, Graf 9; Ingbreton, Graf 13; Buhlman, Hills 66; Sorg, Graf 11; Martel, Dist 18: Commerce)
- HB 473**, relative to the board of mental health practice. (Flint, Sull 20; Rodeschin, Sull 20; Odell, Dist 8; Below, Dist 5: Executive Departments and Administration)
- HB 474**, relative to the appointment of alternates to sit at meetings of the planning and zoning boards and the rules of order used by local land use boards. (Hunter, Hills 48: Municipal and County Government)
- HB 475**, establishing a committee to study possible oversight of alternative health care practitioners. (Hinkle, Hills 58: Health, Human Services and Elderly Affairs)
- HB 476**, relative to incompatibility of municipal offices. (D. Eaton, Ches 24: Municipal and County Government)
- HB 477**, establishing a 55 mile per hour speed limit on New Hampshire Route 9 from the Stoddard/Nelson town line to the Apple Hill road intersection in the town of Sullivan. (D. Eaton, Ches 24; P. Allen, Ches 27: Transportation)
- HB 478**, establishing a committee to study methods of evaluating judges. (L. Christiansen, Hills 66; Crane, Hills 59; Marple, Merr 37: Judiciary)
- HB 479-FN**, directing the department of administrative services to develop a plan for implementing an electronic purchasing system for the state. (Crane, Hills 59; N. Allan, Hills 63; P. LaFlamme, Hills 61: Executive Departments and Administration)
- HB 480-FN**, requiring the use of state credit cards for reimbursable expenses. (Crane, Hills 59; N. Allan, Hills 63: Executive Departments and Administration)
- HB 481**, prohibiting unfair trade practices in the production and sale of milk and dairy products. (Owen, Merr 34: Commerce)
- HB 482**, establishing a committee to study certification of organic products. (Owen, Merr 34: Environment and Agriculture)
- HB 483**, relative to expungement of records of protective orders. (Poulin, Coos 3: Criminal Justice and Public Safety)
- HB 484**, providing immunity for law enforcement officers who participate in state mentoring programs. (Hunter, Hills 48: Judiciary)
- HB 485**, relative to the membership on the invasive species committee. (L. Pratt, Coos 2; Philbrick, Carr 5: Resources, Recreation and Development)
- HB 486**, relative to access to child support enforcement records. (Bickford, Straf 68; Gargas, Hills 46: Children and Family Law)
- HB 487**, relative to protective custody of a person impaired by drugs. (Hunter, Hills 48: Criminal Justice and Public Safety)
- HB 488**, relative to leaf and yard waste. (Owen, Merr 34: Municipal and County Government)
- HB 489**, relative to innovative land use controls. (Bruno, Hills 45: Municipal and County Government)
- HB 490**, relative to the application of statutes, and rules or ordinances authorized by statutes. (Bruno, Hills 45: Judiciary)
- HB 491**, relative to unlawful discriminatory practices in public accommodations. (Bruno, Hills 45: Judiciary)



**HB 492**, establishing a statement of parental rights relative to school disciplinary measures, the content of educational materials and surveys, and the use of psychological testing and psychiatric drugs in schools. (Bruno, Hills 45: Education)

**HB 493**, relative to the municipal budget act. (Kennedy, Merr 34: Municipal and County Government)

**HB 494-L**, allowing the amendment of default budgets by municipal legislative bodies. (Kennedy, Merr 34: Municipal and County Government)

**HB 495**, relative to unauthorized access to a wireless computer network. (Kennedy, Merr 34: Criminal Justice and Public Safety)

**HB 496**, establishing a committee to study the inclusion of New Hampshire in the Amber Alert program. (Pitts, Rock 86; Pantelakos, Rock 86; Grassie, Straf 67; Cohen, Dist 24: Children and Family Law)

**HB 497**, relative to inactive status licenses. (Packard, Rock 75: Transportation)

**HB 498**, relative to 20-day vehicle registrations. (Packard, Rock 75: Transportation)

**HB 499**, expanding opportunities for teacher certification. (Alger, Graf 14; O'Hearn, Dist 12: Education)

**HB 501**, ratifying certain actions of the Rye conservation commission. (Langley, Rock 88; Cohen, Dist 24: Municipal and County Government)

**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (Leach, Hills 42; Spang, Straf 72; Ross, Hills 44; Norelli, Rock 86; Below, Dist 5: Science, Technology and Energy)

**HB 503**, relative to septic system construction permits. (Philbrick, Carr 5; Patten, Carr 7: Environment and Agriculture)

**HB 504**, relative to refinancing home mortgages. (Jacobson, Merr 32: Commerce)

**HB 505**, relative to the membership of the liquor commission when conducting hearings. (Gilman, Graf 9; Heon, Straf 67; Kelley, Rock 85; Kennedy, Merr 34; Sorg, Graf 11; Prescott, Dist 23; Martel, Dist 18: Executive Departments and Administration)

**HB 506**, establishing a committee to study the retention of membership fees in health clubs. (Gilman, Graf 9; Ingbretson, Graf 13; Kennedy, Merr 34; Sorg, Graf 11.; Commerce)

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Fraser, Merr 37: Commerce)

**HB 508**, relative to participation of insured defendants in superior court mediations. (Fraser, Merr 37: Judiciary)

**HB 509**, relative to access to motor vehicle records. (Fraser, Merr 37: Transportation)

**HB 510**, relative to public inspection of fish and game information on landowner permissions for hunting. (Fraser, Merr 37: Fish and Game)

**HB 511**, requiring New Hampshire Hospital security officers to be full-time certified police officers. (K. Gilbert, Rock 82; Welch, Rock 79: Executive Departments and Administration)

**HB 512**, relative to disability parking enforcement. (Kennedy, Merr 34: Criminal Justice and Public Safety)

**HB 513**, relative to background checks of law enforcement agency employees. (Kennedy, Merr 34: Executive Departments and Administration)

**HB 514**, relative to business and industrial development authorities. (McHugh, Hills 61; P. LaFlamme, Hills 61: Municipal and County Government)

**HB 515**, exempting a landowner's written permission for the setting of traps from the right to know law. (Fraser, Merr 37: Fish and Game)

**HB 516-L**, relative to the standard of review for requests for excavating and dredging permits. (E. Smith, Ches 26; Rodeschin, Sull 20; Graham, Hills 57; Rausch, Rock 77; Clegg, Dist 14; Morse, Dist 22; Prescott, Dist 23; Kenney, Dist 3: Resources, Recreation and Development)

**HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough. (E. Smith, Ches 26; Rausch, Rock 77; Elliot, Hills 42; Clegg, Dist 14; Morse, Dist 22: Public Works and Highways)

**HB 518-FN-L**, implementing changes to the amount of school building aid for school districts. (Itse, Rock 80; Stritch, Rock 75; Introne, Rock 75; Packard, Rock 75; Dumaine, Rock 75: Education)

**HB 519-FN-A**, relative to the conservation number plate trust fund. (Mock, Carr 4; Holbrook, Belk 30: Resources, Recreation and Development)

**HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing. (P. LaFlamme, Hills 61; Movsesian, Hills 60: Environment and Agriculture)

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Tholl, Coos 2; Almy, Graf 18: Criminal Justice and Public Safety)

**HB 522-FN**, relative to penalties for child pornography. (Itse, Rock 80; Gonzalez, Hills 49: Criminal Justice and Public Safety)

**HB 523-FN**, reducing the number of superior court justices. (Rowe, Hills 47: Judiciary)

**HB 524-FN**, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7; K. Gilbert, Rock 82: Criminal Justice and Public Safety)

**HB 525-FN**, relative to use of certain out-of-state creditable service for eligibility for payment of medical benefits cost. (R. Wheeler, Hills 48: Executive Departments and Administration)

**HB 526**, requiring the governor to provide the legislature with a biennial strategic economic development plan. (Brady, Coos 2; Holden, Hills 48; Gallus, Dist 1: Executive Departments and Administration)

**HB 527**, relative to the transfer of appropriations for certain expenditures under the municipal budget law. (N. Johnson, Straf 68: Municipal and County Government)

**HB 528**, establishing a commission to study computer standards used in public schools in New Hampshire. (Carson, Rock 75: Education)

**HB 529**, relative to the New Hampshire seed law. (Babson, Carr 6; Owen, Merr 34: Environment and Agriculture)

**HB 530**, prohibiting the sale of motor vehicles equipped with certain automatic door locks. (Bruno, Hills 45: Transportation)

**HB 531**, relative to off-site improvements imposed on applicants to a planning board. (Bruno, Hills 45; Hallyburton, Hills 45; Dokmo, Hills 47: Municipal and County Government)

**HB 532**, relative to notice and filing of divorce petitions. (Emerton, Hills 48; Craig, Hills 50: Children and Family Law)

**HB 533**, relative to health carrier disclosure for medical child support enforcement. (Emerton, Hills 48; Wallner, Merr 40: Health, Human Services and Elderly Affairs)

**HB 534**, relative to properties with 2 or more unregistered motor vehicles. (Bergeron, Hills 66: Transportation)

**HB 535**, relative to the definition of billiards/pool hall for purposes of liquor licenses. (Bergeron, Hills 66: Commerce)

**HB 536**, relative to the name of the department of resources and economic development. (Brady, Coos 2; Holden, Hills 48; Gallus, Dist 1: Executive Departments and Administration)

**HB 537**, establishing a 211 commission. (Hager, Merr 40; S. L'Heureux, Merr 37; Below, Dist 5: Science, Technology and Energy)

**HB 538**, relative to the establishment of municipal economic development and revitalization districts by certain municipalities. (Kenison, Merr 41; Anderson, Merr 41: Municipal and County Government)

**HB 539**, relative to dredging and filling in wetlands. (M. Allen, Rock 81: Resources, Recreation and Development)

**HB 540**, establishing a committee to study a fee on withdrawals of water for commercial purposes. (M. Allen, Rock 81: Resources, Recreation and Development)

**HB 541**, relative to the obligation of religious leaders to report child abuse. (Gile, Merr 38; Brueggemann, Merr 40: Children and Family Law)

**HB 542**, establishing a committee to study replacing the New Hampshire statewide improvement and assessment test with testing which complies with the requirements of the federal No Child Left Behind Act of 2001. (Alger, Graf 14: Education)

**HB 543**, relative to alternate members of the board of accountancy and appeals of board decisions. (Anderson, Merr 41: Executive Departments and Administration)

**HB 544**, relative to the insurance cap on durable medical equipment. (Emerton, Hills 48: Commerce)

**HB 545**, requiring building contractors to disclose the name of any subcontractors involved in the project. (Holden, Hills 48; McRae, Hills 48; Emerton, Hills 48; Fletcher, Hills 48, DiFruscia, Rock 76: Commerce)

**HB 546**, relative to uniform prescription drug information cards. (Kathleen Taylor, Straf 70: Commerce)

**HB 547**, establishing a committee to study public access television. (Infantine, Hills 54; Hagan, Hills 50; Newton, Straf 67; Vaillancourt, Hills 56: Science, Technology and Energy)

**HB 548**, relative to the notice period for teachers who are not rehired. (Kennedy, Merr 34: Education)

**HB 549**, relative to parking for disabled persons. (Kennedy, Merr 34: Health, Human Services and Elderly Affairs)

**HB 551**, relative to the effect of parental refusal to administer psychotropic drugs to their children. (Ingbertson, Graf 13; Boyce, Belk 31; Slocum, Hills 47; Gilman, Graf 9: Children and Family Law)

**HB 552**, establishing a committee to study the Hillsborough County Nursing Home employment practices. (Holden, Hills 48; Bruno, Hills 45; Martel, Dist 18: Municipal and County Government)

**HB 553**, relative to same-sex civil unions contracted outside of the state of New Hampshire. (Itse, Rock 80; Giuda, Graf 13; Gonzalez, Hills 49: Children and Family Law)

**HB 554**, relative to the procedure for assignment of juvenile probation and parole officers. (Itse, Rock 80; Giuda, Graf 13: Executive Departments and Administration)

**HB 555**, requiring condominiums to comply with the Fair Housing Amendments Act and to provide accessible parking. (Kennedy, Merr 34: Commerce)

**HB 556**, establishing a committee to study highway safety issues on New Hampshire Route 101 from Bedford to Keene. (Gibson, Hills 58; Slocum, Hills 47: Public Works and Highways)

**HB 557**, banning cancellation of or rate increases in homeowner's insurance based on the number of claims and prohibiting motor vehicle insurers from using credit information for underwriting purposes. (Kurk, Hills 48; Wendelboe, Belk 29: Commerce)

**HB 558**, relative to financial reports on bingo and lucky 7 operations. (Kurk, Hills 48; Hess, Merr 37: Ways and Means)

**HB 559**, relative to grounds for termination of employment. (Holden, Hills 48; Bruno, Hills 45; DiFruscia, Rock 76; Baroody, Hills 54; Martel, Dist 18; D'Allesandro, Dist 20: Labor, Industrial and Rehabilitative Services)

**HB 560**, making technical corrections to the New Hampshire Aeronautics Act. (Leber, Merr 35; Milligan, Hills 58; Gionet, Graf 11; Weyler, Rock 79; Kennedy, Merr 34: Public Works and Highways)

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act. (Leber, Merr 35; Milligan, Hills 58; Gionet, Graf 11; Weyler, Rock 79; Kennedy, Merr 34: Public Works and Highways)

**HB 562**, establishing a committee to study air quality monitoring by the department of environmental services. (Hutchinson, Rock 75; Introne, Rock 75: Science, Technology and Energy)

**HB 563**, relative to the emancipation of minors. (E. Blanchard, Merr 38: Children and Family Law)

**HCR 11**, relative to state and federal government relations. (McElroy, Hills 61; Itse, Rock 80; Ingbertson, Graf 13; Bulhman, Hills 66; Prescott, Dist 23: State-Federal Relations and Veterans Affairs)

**HCR 12**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Ingbertson, Graf 13; Itse, Rock 80; L. Christiansen, Hills 66; P. Harrington, Hills 60; Twombly, Straf 67; Odell, Dist 8: Legislative Administration)

**HCR 13**, declaring the health rights of the citizens of New Hampshire. (French, Merr 34; Sokol, Graf 17: Health, Human Services and Elderly Affairs)

**HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. (J. Dunn, Ches 25; M. Blanchard, Rock 86; Pilote, Hills 55; Phinizy, Sull 23; P. Allen, Ches 27; Below, Dist 5: State-Federal Relations and Veterans Affairs)

**HR 8**, urging the governor and executive council to consider appointing a non-lawyer to the supreme court. (Gilman, Graf 9; Maybeck, Graf 16; M. Harrington, Straf. 68; Cady, Rock 73; Ingbertson, Graf 13: Judiciary)

**CACR 10**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. (Norelli, Rock 86; Splaine, Rock 86; Dickinson, Carr 4; Hunt, Ches 28; Irwin, Hills 44; Larsen, Dist 15; Below, Dist 5; Barnes, Dist 17; Peterson, Dist 11: Judiciary)

## RECESS

(Rep. Francoeur in the Chair)

## RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 564 through 599, and 601 through 608 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission. (Elliott, Hills 42; Woods, Straf 69: Judiciary)

**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan. (O'Neil, Rock 85; Gillick, Rock 85; Francoeur, Rock 85; Bridle, Rock 85; Kelley, Rock 85; Cohen, Dist 24: Public Works and Highways)

**HB 566-FN-A**, making an appropriation for Welfare-to-Work state matching grants. (Hager, Merr 40; Wallner, Merr 40; Konys, Hills 65; Osborne, Merr 40: Finance)

**HB 567-FN-L**, relative to telecommunications infrastructure in state-owned rights-of-way. (Thomas, Belk 31: Public Works and Highways)

**HB 568-L**, relative to legal residency for the purpose of public school education. (Snyder, Straf 67; Carson, Rock 75; O'Hearn, Dist 12: Education)

**HB 569-FN-A-L**, relative to the dollar value of an adequate education. (Marple, Merr 37: Ways and Means)

**HB 570-FN**, relative to motor vehicle records of persons involved in accidents. (Luebker, Hills 54: Transportation)

**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow. (Laurent, Ches 24: Public Works and Highways)

**HB 572-FN**, relative to criminal non-support. (Dumaine, Rock 75; P. Smith, Rock 75; Fish, Ches 25: Children and Family Law)

**HB 573-FN**, relative to motor vehicle insurance. (Artz, Hills 64; L. Christiansen, Hills 66; Marple, Merr 37; Johnson, Dist 2; O'Hearn, Dist 12: Commerce)

**HB 574-FN**, relative to retail vehicle dealer registrations. (Greenberg, Hills 50: Transportation)

**HB 575-FN**, relative to students at state colleges and universities who are registered to vote in New Hampshire. (Albert, Straf 67; Bicknell, Rock 73; Boyce, Belk 31; L. Christiansen, Hills 66; McElroy, Hills 61; Clegg, Dist 14; Green Dist 6: Finance)

**HB 576-FN-A**, increasing the rate of the meals and rooms tax. (Bickford, Straf 68; Vaillancourt, Hills 56: Ways and Means)

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002. (Flanagan, Rock 78; Kennedy, Merr 34; Larsen, Dist 15: Election Law)

**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. (P. Allen, Ches 27; Phinzy, Sull 23: Environment and Agriculture)

**HB 579-FN**, abolishing all requirements for certificates of title for motor vehicles. (Marple, Merr 37: Transportation)

**HB 580-FN-A**, establishing a task force for the promotion of firearm safety and environmental awareness. (Kennedy, Merr 34; Gilman, Graf 9: Criminal Justice and Public Safety)

**HB 581-FN-L**, requiring a death record for an aborted fetus. (Gilman, Graf 9; Giuda, Graf 13; Boyce, Belk 31; Woods, Straf 69; Hagan, Hills 50; Prescott, Dist 23; Martel, Dist 18: Health, Human Services and Elderly Affairs)

**HB 582-FN**, increasing the penalty for abandoning a motor vehicle. (Akins, Graf 18; Dudley, Graf 18: Transportation)

**HB 583-FN**, requiring training for election officials. (Buckley, Hills 56: Election Law)

**HB 584-FN-A**, establishing the position of citizens' advocate in the department of environmental services and making an appropriation therefor. (Camm, Rock 79: Executive Departments and Administration)

**HB 585-FN**, allowing teachers of private academies which provide public education to be included in the retirement system. (Robert Johnson, Rock 73: Executive Departments and Administration)

**HB 586-FN-A**, relative to the infant deafness program and making an appropriation therefor. (Ouellette, Merr 33: Health, Human Services and Elderly Affairs)

**HB 587-FN**, relative to reimbursement for services provided in delinquency, children in need of services, and abuse and neglect proceedings. (Vachon, Straf 68: Children and Family Law)

**HB 588-L**, relative to nonconforming residential uses. (Hutchinson, Rock 75: Municipal and County Government)

**HB 589-FN-A-L**, establishing a tax on purchases of bulk paper stock and establishing a bulk newsprint recycling fund. (V. Clark, Rock 79: Ways and Means)

- HB 590-FN**, relative to highway fund budget reporting requirements. (Weyler, Rock 79; Norelli, Rock 86; Rausch, Rock 77; Graham, Hills 57: Public Works and Highways)
- HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits. (Fraser, Merr 37: Executive Departments and Administration)
- HB 592-FN**, relative to funding the compensation and benefits of teachers. (Cady, Rock 73; Bicknell, Rock 73; Marple, Merr 37: Education)
- HB 593-FN-L**, relative to solid waste facilities in small towns. (Brady, Coos 2; Tholl, Coos 2; Theberge, Coos 3; H. Richardson, Coos 2; Gallus, Dist 1: Environment and Agriculture)
- HB 594-FN-L**, relative to the return of employer contributions for retirement system members who terminate employment prior to vesting. (Stritch, Rock 75; Dumaine, Rock 75; Introne, Rock 75; Hutchinson, Rock 75; Packard, Rock 75: Executive Departments and Administration)
- HB 595-FN-A**, establishing an exemption from the electricity consumption tax. (Alger, Graf 14; Giuda, Graf 13; Naro, Graf 15; Johnson, Dist 2: Ways and Means)
- HB 596-FN**, relative to health plan loss information. (R. Wheeler, Hills 48; Stone, Rock 73; Green, Dist 6: Commerce)
- HB 597-FN-A**, appropriating funds to the barn preservation fund matching grants program. (Babson, Carr 6: Finance)
- HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor. (Babson, Carr 6; Owen, Merr 34: Finance)
- HB 599-FN-L**, relative to hazardous waste liability. (Gilman, Graf 9; Ingbreton, Graf 13; Weyler, Rock 79; E. Blanchard, Merr 38; Sorg, Graf 11; Johnson, Dist 2: Environment and Agriculture)
- HB 601**, relative to the long-term care insurance act. (Spiess, Hills 47: Commerce)
- HB 602-FN**, relative to vehicles with plow attachments. (Dupuis, Rock 77: Transportation)
- HB 603-FN-L**, requiring school districts to reimburse a portion of per pupil costs directly to parents or legal guardians of pupils who do not attend a public school. (Campbell, Straf 68; Newton, Straf 67; Scott, Straf 71; Eason, Straf 68; Musler, Straf 68; Boyce, Dist 4; Kenney, Dist 3: Education)
- HB 604**, relative to the filing of federal liens under the uniform federal lien registration act. (Ingbreton, Graf 13; McElroy, Hills 61; L. Christiansen, Hills 66; Scott, Straf 71; Gilman, Graf 9: Commerce)
- HB 605-FN**, relative to prohibited election day activity. (Buckley, Hills 56: Election Law)
- HB 606**, establishing a right-to-know study commission. (Thomas, Belk 31; J. Pratt, Ches 24; Bergin, Hills 47; Patten, Carr 7; Rowe, Hills 47: Judiciary)
- HB 607-FN**, relative to the determination of just compensation in eminent domain proceedings. (Wendelboe, Belk 29; Boyce, Belk 31; J. Pratt, Ches 24; Boyce, Dist 4; Gallus, Dist 1: Public Works and Highways)
- HB 608-FN-L**, reducing the education property tax rate and relative to the base cost for calculating adequate education grants. (Hess, Merr 37; Kurk, Hills 48; O'Hearn, Dist 12; Clegg, Dist 14: Ways and Means)

## RECESS

(Rep. Tahir in the Chair)

## RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 609 through 640 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

- HB 609-FN-A**, relative to public interest payphones. (Phinizy, Sull 23; Gorman, Hills 62; Alger, Graf 14; Estabrook, Dist 21: Science, Technology and Energy)
- HB 610-FN-L**, relative to reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state college. (Naro, Graf 15; M. Cooney, Graf 15; Giuda, Graf 13: Finance)

**HB 611-FN-A**, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions. (Itse, Rock 80; McElroy, Hills 61; McHugh, Hills 61; Gonzalez, Hills 49; Easson, Straf 68; Balboni, Hills 59; Transportation)

**HB 612-FN-L**, increasing state appropriations to school districts for certain special education costs. (Itse, Rock 80; Boyce, Belk 31; Boyce, Dist 4; Education)

**HB 613-FN-L**, relative to incineration and air quality. (Phinizy, Sull 23; S. Harris, Sull 22; Donovan, Sull 22; Science, Technology and Energy)

**HB 614-FN-L**, requiring the state to pay the total expense of fighting forest and brush fires on any state-owned park or forest land. (Rush, Merr 36; Davis, Merr 36; Stone, Rock 73; Stohl, Coos 1; P. Allen, Ches 27; Gallus, Dist 1; Odell, Dist 8; Finance)

**HB 615-FN**, relative to the requirements for registration of sexual offenders. (K. Gilbert, Rock 82; D. Smith, Rock 74; Jones, Sull 19; Knowles, Straf 69; Bicknell, Rock 73; Criminal Justice and Public Safety)

**HB 616-FN-L**, relative to the Hampton real estate trust fund. (O'Neil, Rock 85; Francoeur, Rock 85; Bridle, Rock 85; Gillick, Rock 85; Municipal and County Government)

**HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. (Langley, Rock 88; Executive Departments and Administration)

**HB 618-FN-A**, establishing a property tax cap for persons over 65 years of age. (Packard, Rock 75; Introne, Rock 75; Letourneau, Rock 77; Municipal and County Government)

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. (Leber, Merr 35; Weyler, Rock 79; Colcord, Merr 34; Tahir, Hills 50; Kennedy, Merr 34; Gallus, Dist 1; O'Hearn, Dist 12; Odell, Dist 8; Barnes, Dist 17; D'Allesandro, Dist 20; Education)

**HB 620-FN**, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. (Espieffs, Ches 25; B. Richardson, Ches 26; McHugh, Hills 61; M. Cooney, Graf 15; Larsen, Dist 15; Children and Family Law)

**HB 621-FN-A-L**, establishing an early childhood literacy program. (Kurk, Hills 48; Colcord, Merr 34; Carson, Rock 75; O'Hearn, Dist 12; Estabrook, Dist 21; Odell, Dist 8; Education)

**HB 622-FN**, excluding tax abatement sessions from nonpublic sessions and including costs for non-attorney representatives under the right-to-know law. (Cady, Rock 73; Bicknell, Rock 73; Souza, Hills 51; Judiciary)

**HB 623-FN-A**, repealing RSA 77, relative to taxation of incomes. (Phinizy, Sull 23; J. Pratt, Ches 24; Franklin, Sull 20; DiFruscia, Rock 76; Jacobson, Merr 32; Ways and Means)

**HB 624-FN-A**, relative to appropriations to and revenues from the division of ports and harbors. (Pantelakos, Rock 86; Hamel, Rock 79; Shultis, Rock 86; Splaine, Rock 86; Public Works and Highways)

**HB 625-FN-L**, relative to the interest rate on delinquent property taxes in property redemptions. (Bergin, Hills 47; Municipal and County Government)

**HB 626-FN**, relative to notification, custody rights, and right to counsel of parents in child abuse and neglect cases. (Itse, Rock 80; McHugh, Hills 61; Giuda, Graf 13; Gonzalez, Hills 49; Children and Family Law)

**HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. (Drisko, Hills 46; Lockwood, Merr 35; Naro, Graf 15; Whalley, Belk 31; Roberge, Dist 9; Election Law)

**HB 628-FN-A-L**, modifying the funding and distribution of moneys for an adequate education. (McCormick, Merr 32; Ways and Means)

**HB 629-FN-A-L**, relative to adequate education grants to cities and towns and relative to adjusting the education property tax rate based on the statewide cost of an adequate education. (Rowe, Hills 47; Ways and Means)

**HB 630-FN**, relative to penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members. (Thomas, Belk 31; Criminal Justice and Public Safety)

**HB 631-FN-A**, relative to emergency access to Interstate 95 in the towns of Hampton and Hampton Falls and making an appropriation therefor. (Weare, Rock 84; O'Neil, Rock 85; Public Works and Highways)

**HB 632-FN-A-L**, limiting the collection by the state of excess education property tax payments. (Derby, Carr 7; Kenney, Dist 3; Ways and Means)

**HB 633-FN**, establishing the interstate compact for adult offender supervision. (Tholl, Coos 2; Welch, Rock 79; K. Gilbert, Rock 82: Criminal Justice and Public Safety)

**HB 634-FN-L**, establishing a limit on the applicable tax rate for local school district taxes. (Vachon, Straf 68: Ways and Means)

**HB 635-FN-A-L**, creating a legislative committee to review rules and propose legislation for the repeal of RSA 541-A, and instituting a moratorium on the filing of rules by state agencies. (Marple, Merr 37; Albert, Straf 67: Executive Departments and Administration)

**HB 636-FN**, relative to mandatory automobile insurance. (Arnold, Hills 46: Commerce)

**HB 637-FN**, relative to damages against a defendant based upon the defendant's conviction of a felony offense. (Batchelder, Ches 24: Criminal Justice and Public Safety)

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. (Holbrook, Belk 30: Ways and Means)

**HB 639-FN-L**, relative to receiving voter approval though warrant articles before a municipality may continue a program initiated under a grant. (Dickinson, Carr 4; Chandler, Carr 4; C. Brown, Carr 4; Phinizy, Sull 23; Patten, Carr 7; Kenney, Dist 3; Johnson, Dist 2; Gallus, Dist 1; Boyce, Dist 4: Municipal and County Government)

**HB 640-FN**, relative to post-conviction DNA testing. (Lasky, Hills 65; Stevens, Carr 7: Criminal Justice and Public Safety)

## RECESS

(Rep. Welch in the Chair)

## RESOLUTION

Rep. Bicknell offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 641 through 649, 651 through 697 and House Concurrent Resolution numbered 16 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

**HB 641-FN-A-L**, targeting aid for education to certain school districts. (Hess, Merr 37; Boyce, Belk 31: Education)

**HB 642-FN**, relative to police patrolling of the Pleasant Street campus access path in the town of Plymouth. (M. Cooney, Graf 15; Naro, Graf 15: Finance)

**HB 643-FN**, relative to establishing the family division of the courts statewide. (Weyler, Rock 79; Wallner, Merr 40; Hager, Merr 40; J. Pratt, Ches 24; Boyce, Belk 31; Boyce, Dist 4; Prescott, Dist 23; Sapareto, Dist 19: Judiciary)

**HB 644-FN-A**, relative to selling advertising space on state paychecks, vendor checks, and websites. (Crane, Hills 59; Naro, Graf 15; M. Cooney, Graf 15; Dupuis, Rock 77: Ways and Means)

**HB 645-FN-A-L**, establishing a pilot program for partial tax abatements on new construction of private schools. (Hunt, Ches 28; Martel, Dist 18: Municipal and County Government)

**HB 646-FN**, relative to liquor licenses and fees. (Francoeur, Rock 85: Commerce)

**HB 647-FN-L**, relative to payment of autopsy expenses. (Pilliod, Belk 31; Hager, Merr 40; Drisko, Hills 46: Finance)

**HB 648-FN**, relative to paid political phone calls. (Buckley, Hills 56: Election Law)

**HB 649-FN-A**, creating certain positions within the office of state planning and the university system of New Hampshire and making an appropriation therefor. (Lockwood, Merr 35; N. Johnson, Straf 68; Coes, Rock 82; Ross, Hills 44; M. Blanchard, Rock 86; Odell, Dist 8; Below, Dist 5: Municipal and County Government)

**HB 651-FN**, relative to portability of retirement plan funds into the New Hampshire retirement system and the purchase of prior service. (Langley, Rock 88; Cohen, Dist 24: Executive Departments and Administration)

**HB 652-FN**, relative to qualified wellness or disease management programs. (Hunt, Ches 28; Flanders, Dist 7: Commerce)

**HB 653-FN-A**, authorizing the production of industrial hemp. (Owen, Merr 34; Ahern, Belk 29: Environment and Agriculture)

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Akins, Graf 18; Dudley, Graf 18: Criminal Justice and Public Safety)

**HB 655-FN**, relative to motor vehicle dealer license applications. (Bergeron, Hills 66: Transportation)

**HB 656-FN**, repealing the family division pilot program. (Dudley, Graf 18; Francoeur, Rock 85; Clegg, Dist 14: Judiciary)

**HB 657-FN**, relative to creditable service in the retirement system for the time that teachers were required to take pregnancy and maternity leave. (Buckley, Hills 56: Executive Departments and Administration)

**HB 658-FN**, relative to impersonation of candidates. (Buckley, Hills 56: Election Law)

**HB 659-FN**, relative to penalties for failure to obey a subpoena or summons. (Dumaine, Rock 75; P. Smith, Rock 75; Fish, Ches 25: Criminal Justice and Public Safety)

**HB 660-FN**, relative to the fee for excavating and dredging permits. (Camm, Rock 79: Resources, Recreation and Development)

**HB 661-FN-L**, relative to Westport Village Road in the town of Swanze. (Liebl, Ches 27: Public Works and Highways)

**HB 662-FN**, establishing the New Hampshire volunteer elementary teachers and students program. (W. Field, Merr 36; D. Fields, Hills 58; Boyce, Belk 31; Maybeck, Graf 16; Ahern, Belk 29; Peterson, Dist 11: Education)

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs. (King, Coos 1; Odell, Dist 8: Ways and Means)

**HB 664-FN**, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks. (Hunt, Ches 28; Welch, Rock 79: Criminal Justice and Public Safety)

**HB 665-FN-L**, relative to municipal and county audits. (Marple, Merr 37; N. Johnson, Straf 68: Executive Departments and Administration)

**HB 666-FN-A**, expanding the meals and rooms tax to include a tax on admission charges for entertainment. (Hatch, Carr 7: Ways and Means)

**HB 667-FN-A**, relative to exit tolls and increasing the gasoline tax. (Greenberg, Hills 50: Public Works and Highways)

**HB 668-FN-A-L**, permitting municipalities to adopt a local addition to the real estate transfer tax dedicated to conservation purposes. (Gould, Rock 77; Wall, Straf 72: Municipal and County Government)

**HB 669-FN**, relative to dental care insurance for state employees and retired state employees. (Emerton, Hills 48; Clayton, Hills 50; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. (Pilliod, Belk 31; Kurk, Hills 48; M. Smith, Straf 72: Executive Departments and Administration)

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. (R. Wheeler, Hills 48; Stone, Rock 73; O'Neil, Rock 85; Gatsas, Dist 16; Green, Dist 6; Clegg, Dist 14: Finance)

**HB 672-FN**, relative to the notice of appointment of an administrator or executor of an estate in probate court proceedings. (O'Neil, Rock 85: Judiciary)

**HB 673-FN-L**, relative to municipal water system connection fees. (Bickford, Straf 68: Municipal and County Government)

**HB 674-FN**, relative to legal representation for indigent parties under the Child Protection Act. (Bickford, Straf 68: Children and Family Law)

**HB 675-FN**, relative to enhanced 911 reimbursements to commercial mobile radio service providers. (S. L'Heureux, Merr 37: Science, Technology and Energy)

**HB 676-FN**, relative to lake level investigations. (Lawton, Belk 30: Resources, Recreation and Development)

**HB 677-FN**, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. (S. Harris, Sull 22; Chandler, Carr 4; Weyler, Rock 79; Sokol, Graf 17; Batula, Hills 58; O'Hearn, Dist 12; Roberge, Dist 9; Martel, Dist 18; Odell, Dist 8: Health, Human Services and Elderly Affairs)



- HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. (Stohl, Coos 1; Royce, Ches 28: Criminal Justice and Public Safety)
- HB 679-FN**, relative to medical savings accounts. (Wendelboe, Belk 29; Bicknell, Rock 73; Scott, Straf 71: Executive Departments and Administration)
- HB 680-FN**, relative to services contracts. (D. Flanders, Belk 30; Reardon, Merr 39: Commerce)
- HB 681-FN-L**, relative to the allocation of a municipality's share of county taxes. (Patten, Carr 7: Municipal and County Government)
- HB 682-FN**, relative to dual sentencing of certain juveniles. (Gilman, Graf 9; Bicknell, Rock 73; Buhlman, Hills 66; Sorg, Graf 11; Kennedy, Merr 34: Children and Family Law)
- HB 683-FN**, relative to escape or attempted escape from a juvenile facility. (Gilman, Graf 9; Bicknell, Rock 73; Buhlman, Hills 66; Sorg, Graf 11; Kennedy, Merr 34: Children and Family Law)
- HB 684-FN**, relative to the insurance rating law. (Hunt, Ches 28: Commerce)
- HB 685-FN-A-L**, exempting transfers of real property with conservation, preservation, or development restrictions from the real estate transfer tax. (N. Johnson, Straf 68; Almy, Graf 18: Ways and Means)
- HB 686-FN**, relative to health insurance provided through the state. (Bickford, Straf 68: Executive Departments and Administration)
- HB 687-FN**, establishing adoption services number plates. (B. Richardson, Ches 26; Keans, Straf 67; Weed, Ches 25; Dokmo, Hills 47: Transportation)
- HB 688-FN-L**, relative to taxation of property within village districts by municipalities. (Dupuis, Rock 77; Wiley, Rock 77: Municipal and County Government)
- HB 689-FN**, relative to drivers' licenses issued to persons under the age of 21. (Owen, Merr 34: Transportation)
- HB 690-FN**, relative to agricultural crop damage. (Owen, Merr 34; Akins, Graf 18; Reardon, Merr 39: Criminal Justice and Public Safety)
- HB 691-FN-L**, creating a credit against property tax liability for a portion of the cost of home-educated pupils and pupils attending nonpublic schools. (Bruno, Hills 45: Municipal and County Government)
- HB 692-FN-A-L**, revising the property tax relief program in order to cap education property tax payments at 5 percent of adjusted gross income. (Burling, Sull 19; Jones, Sull 19: Ways and Means)
- HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission. (Whalley, Belk 31; Giuda, Graf 13; Francoeur, Rock 85; Clegg, Dist 14; Boyce, Dist 4: Election Law)
- HB 694-FN**, relative to tobacco product manufacturers not entering master settlement agreements. (Emerton, Hills 48; Kurk, Hills 48: Commerce)
- HB 695-FN**, making placement of political advertising on public property subject to state litter laws. (Splaine, Rock 86: Election Law)
- HB 696-FN**, establishing licensure to forensic counselors. (Anderson, Merr 41: Executive Departments and Administration)
- HB 697-FN**, relative to the sale of motor fuel. (Packard, Rock 75: Public Works and Highways)
- HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir. (Giuda, Graf 13; Nordgren, Graf 17; D'Allesandro, Dist 20; Boyce, Dist 4: State-Federal Relations and Veterans Affairs)

## RECESS

(Speaker Chandler in the Chair)

## RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 698, 699, and 701 through 749 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 698-FN**, relative to electronic toll collection. (Packard, Rock 75: Public Works and Highways)

**HB 699-FN**, relative to abandoned vehicles. (Packard, Rock 75; R. L'Heureux, Hills 58: Transportation)

- HB 701-FN**, relative to fees for low-digit number plates. (Wendelboe, Belk 29: Ways and Means)
- HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Zolla, Rock 77: Executive Departments and Administration)
- HB 703-FN**, permitting free admission to the state park system for disabled veterans. (Corbin, Rock 79; Gilman, Graf 9; Duffy, Rock 79; Introne, Rock 75; Easson, Straf 68; Barnes, Dist 17: State-Federal Relations and Veterans Affairs)
- HB 704-FN**, relative to the retirement system classification for the director of field services, department of corrections. (Tholl, Coos 2: Executive Departments and Administration)
- HB 705**, establishing a committee to study eliminating the application of the communications services tax to the provision of Internet services. (Thomas, Belk 31; Eaton, Dist 10: Ways and Means)
- HB 706-FN-L**, relative to the definition of net indebtedness under the municipal finance act. (Maxfield, Merr 35; M. Harrington, Straf 68: Municipal and County Government)
- HB 707-FN**, relative to the statute of limitations in sexual assault cases. (Leach, Hills 42; Norelli, Rock 86; Irwin, Hills 44; Stone, Rock 73; Barnes, Dist 17; Flanders, Dist 7; Gallus, Dist 1; Kenney, Dist 3: Judiciary)
- HB 708-FN-L**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 5: Public Works and Highways)
- HB 709-FN**, relative to nursing homes in receivership. (Dalrymple, Rock 76: Health, Human Services and Elderly Affairs)
- HB 710-FN-L** relative to the confidentiality of library user records. (Holden, Hills 48: Children and Family Law)
- HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles. (Fraser, Merr 37: Commerce)
- HB 712-FN**, relative to long-term care. (French, Merr 34: Executive Departments and Administration)
- HB 713-FN**, relative to the penalty for violating a zoning ordinance. (M. Cooney, Graf 15; Naro, Graf 15: Municipal and County Government)
- HB 714-FN-A**, excluding cable Internet services from the communications services tax. (Luebker, Hills 54; Ouellette, Merr 33: Ways and Means)
- HB 715-FN**, requiring persons found incompetent to stand trial to be placed in the secure psychiatric unit. (Wendelboe, Belk 29: Criminal Justice and Public Safety)
- HB 716-FN**, repealing the procedures for administration of small estates. (O'Neil, Rock 85: Judiciary)
- HB 717-FN-L**, relative to targeted aid to education. (Gionet, Graf 11: Ways and Means)
- HB 718-FN**, relative to endangering the welfare of a minor and amending the statute of limitations for sexual assault of a child. (Knowles, Straf 69; Welch, Rock 79; Stevens, Carr 7; K. Gilbert, Rock 82; Gallus, Dist 1; Estabrook, Dist 21; Kenney, Dist 3: Criminal Justice and Public Safety)
- HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority. (Leber, Merr 35; Graham, Hills 57; Hamel, Rock 79; Morse, Dist 22; Johnson, Dist 2; Kenney, Dist 3; Barnes, Dist 17: Public Works and Highways)
- HB 720-FN-L**, extending the kindergarten aid program. (Kurk, Hills 48; Stone, Rock 73; R. Wheeler, Hills 48; Emerton, Hills 48; Hunter, Hills 48; Snyder, Straf 67; Flanders, Dist 7; D'Allesandro, Dist 20: Finance)
- HB 721-FN**, establishing a marine preservation number plate. (Morris, Rock 84: Transportation)
- HB 722-FN**, relative to land use changes. (Hutchinson, Rock 75: Municipal and County Government)
- HB 723-FN-L**, relative to the definition of residences in an industrial or commercial zone. (Hutchinson, Rock 75: Municipal and County Government)
- HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan. (Keans, Straf 67; Creteau, Straf 67; J. Brown, Straf 17; Green, Dist 6: Public Works and Highways)
- HB 725**, relative to fraternal benefit societies. (Fraser, Merr 37: Commerce)
- HB 726-FN**, relative to enforcement of spousal support orders by the department of health and human services. (Gorman, Hills 62; Clemons, Hills 62; D. Cote, Hills 62: Children and Family Law)
- HB 727-FN-L**, revising the school administrative unit system. (Albert, Straf 67; L. Christiansen, Hills 66; McElroy, Hills 61; Leone, Sull 21: Education)
- HB 728-FN-A**, establishing a dedicated fund for organic certification inspections. (Owen, Merr 34: Environment and Agriculture)
- HB 729-FN**, relative to the regulation of tanning facilities. (Dalrymple, Rock 76; Larsen, Dist 15: Executive Departments and Administration)

**HB 730-FN-L**, relative to workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases. (P. Katsakiores, Rock 77; Weyler, Rock 79; Wiley, Rock 77; S. L'Heureux, Merr 37; MacKay, Merr 39; Dalrymple, Rock 76; (G. Katsakiores, Rock 77: Labor, Industrial and Rehabilitative Services)

**HB 731-FN**, relative to penalties for intoxication and under the influence of drug offenses. (Arnold, Hills 46: Criminal Justice and Public Safety)

**HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices. (Alger, Graf 14: Resources, Recreation and Development)

**HB 733-FN**, relative to drivers' licenses held by national guard members. (Elliott, Hills 42; Morris, Rock 84; Green, Dist 6: Transportation)

**HB 734-FN-A**, establishing a pilot program to open the state house on Saturdays. (MacKay, Merr 39; Elliott, Hills 42; Kenison, Merr 41; Pilliod, Belk 31; Gile, Merr 38; Larsen, Dist 15; Foster, Dist 13; Prescott, Dist 23: Legislative Administration)

**HB 735-FN**, relative to prescription drugs and medicaid best practices. (Wendelboe, Belk 29: Health, Human Services and Elderly Affairs)

**HB 736**, relative to duties of the fish and game commission and complaints against fish and game commissioners. (Mock, Carr 4; Clegg, Dist 14; Gallus, Dist 1: Fish and Game)

**HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefor. (M. Blanchard, Rock 86; Coes, Rock 82; Weyler, Rock 79; Welch, Rock 79: Executive Departments and Administration)

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. (R. Cooney, Rock 76; Patten, Carr 7; M. Blanchard, Rock 86; Johnson, Dist 2; Cohen, Dist 24; Kenney, Dist 3; Gallus, Dist 1: Resources, Recreation and Development)

**HB 739-FN-A**, relative to the medicaid provider reimbursement system; and business and enterprise tax deductions for employers that offer long term care policies; study of the nursing leveraged scholarship program; development of a plan to establish nursing programs at the community technical colleges; the information and referral network for elderly and chronically ill adults and making an appropriation therefor. (Rogers Johnson, Rock 83; J. Gilbert, Rock 83; Boyce, Dist 4: Commerce)

**HB 740-FN-L**, relative to the process for adopting a default budget in official ballot towns, and applying the default budget provisions in school districts having adopted the official ballot method. (Phinizy, Sull 23; Liebl, Ches 27: Municipal and County Government)

**HB 741-FN**, relative to an education property tax cap for retired residents. (Giuda, Graf 13; Tahir, Hills 50; Weyler, Rock 79; Gilman, Graf 9; Boyce, Dist 4: Ways and Means)

**HB 742**, establishing a committee to study the relationship between groundwater withdrawals and the ownership of watershed land. (Drisko, Hills 46; Gargas, Hills 46: Resources, Recreation and Development)

**HB 743-FN-A**, establishing a disposal tax on disposable diapers. (V. Clark, Rock 79: Ways and Means)

**HB 744**, relative to motor vehicle accidents involving uninsured motorists. (Gorman, Hills 62; D. Cote, Hills 62: Commerce)

**HB 745**, relative to voters presenting identification to obtain a ballot. (G. Katsakiores, Rock 77; Whalley, Belk 31; P. Katsakiores, Rock 77; Reeves, Hills 49; Letourneau, Rock 77; Prescott, Dist 23; Sapareto, Dist 19; Barnes, Dist 17: Election Law)

**HB 746-FN-A**, revising the property tax relief program. (Hess, Merr 37; Alger, Graf 14; J. Gilbert, Rock 83; Kurk, Hills 48; O'Hearn, Dist 12: Ways and Means)

**HB 747**, establishing the crime victim employment leave act. (P. Sullivan, Hills 50; Leone, Sull 21; DeJoie, Merr 39; C. Pappas, Hills 49; Cohen, Dist 24; Larsen, Dist 15; Sapareto, Dist 19: Labor, Industrial and Rehabilitative Services)

**HB 748**, making changes to the laws governing off highway recreational vehicles. (Alger, Graf 14; DiFruscia, Rock 76; Royce, Ches 28; Flanders, Dist 7; Odell, Dist 8: Resources, Recreation and Development)

**HB 749**, relative to the statute of limitations in criminal cases where a defendant is identified by a DNA profile. (Belanger, Rock 76; John Manning, Rock 76; Morse, Dist 22: Criminal Justice and Public Safety)

**(Rep. Giuda in the Chair)**

**RESOLUTION**

Rep. Rogers Johnson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 836 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 836**, certifying that John Coughlin was elected as county attorney for Hillsborough county at the 2002 general election. (Soltani, Merr 37; Clegg, Dist 14: Election Law)

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 4

Wednesday, January 30, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator, You see us living in dangerous and uncertain times; guide the leaders of our nation and our allies as they seek justice and peace. Save us from hardness of heart, yet strengthen our resolve to protect the freedom of our citizens. Be present in this honorable House to bless the work that is done here today on behalf of all the people of our beloved New Hampshire.

We especially ask Your blessing to be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in defense of our country and our communities. Amen.

Rep. Franklin C. Bishop led the Pledge of Allegiance.

The National Anthem was sung by Katie O'Connor, a junior from Plymouth Regional High School.

### LEAVES OF ABSENCE

Reps. Dudley, Goyette and Kelley, the day, illness.

Reps. Richard Cooney, William Field, Flanagan, Donald Flanders, Hopper, Hutchinson, Lawrence, Morris, Perkins, Priestley, Rollo, Rowe, the day, important business.

Reps. MaryAnn Blanchard, Fraser, Guay and Hagan, the day, illness in the family.

### INTRODUCTION OF GUESTS

Don and Alice O'Connor, parents of Katie O'Connor and guests of Rep. Naro. Curtis Payne, guest of Rep. Scovner. Amber Wilmot, guest of Rep. Lasky. Kevin and Michael Gilbert, nephew and grandnephew of Rep. Karl Gilbert. Kevin Cray, guest of Rep. Davidson. Candace Cunha, guest of Rep. Claire Clarke. Joshua LaPlante, guest of Reps. Sweeney and Pilliod. Janet Shaw and Marge Welch, guests of Rep. Anderson. Jarvis Coffin and Steve Fillebrown, guests of Rep. Leach.

### SPECIAL GUESTS

The 2002 Girls Class L State Volleyball Champions from Nashua High School: Yves Carrion, Megan Connolly, Vicky Ducharme, Stacy Fierley, Tracey Hoffman, Andrea Larocque, Courtney Ledoux, Christie McHugh, Julie Miller, Erin Schwarz, Nikki Weiss and Anna Mooney, daughter of Rep. Gorman; John Connolly, coach, Stacey Sweklo Bradley, assistant coach and Jill Soubosky, manager, guests of Rep. Gorman.

### COMMUNICATION

January 15, 2003

Karen Wadsworth, Clerk of the House.

The following representative-elect has been sworn into office by the Governor and Council on this day: District 67 (Rochester Wards 1-6; Rollinsford, Somersworth Wards 1-5)

Julie Brown, r, Rochester (414 Lilac City East) 03867

Karen Ladd, Assistant Secretary of State

### RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 751 through 799, 801 through 835 and 837, House Joint Resolution 2, House Concurrent Resolutions numbered 17 and 18, House Resolutions numbered 9 and 10, Constitutional Amendment Concurrent Resolutions numbered 11 through 13 and House Address numbered 1 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR, HCRs, HRs, CACRs and HA

### First, second reading and referral

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. (Alger, Graf 14; Giuda, Graf 13; Weyler, Rock 79; Hager, Merr 40; Rep Letourneau, Rock 77; Boyce, Dist 4; O'Hearn, Dist 12: Education)

**HB 752**, relative to the distribution of business tax revenues to the education trust fund. (Major, Rock 79; Itse, Rock 80: Ways and Means)

**HB 753**, establishing the fourth Monday in April as General John Stark Day. (Lawton, Belk 30: Executive Departments and Administration)

**HB 754-FN-L**, establishing an education certificate program to allow parental choice in the selection of schools for children. (Weyler, Rock 79; Boyce, Belk 31; Introne, Rock 75; Alger, Graf 14; Sapareto, Dist 19; Boyce, Dist 4; Prescott, Dist 23: Education)

**HB 755**, relative to the burden of proof in child abuse and neglect proceedings. (Itse, Rock 80; Ingbreton, Graf 13; Gonzalez, Hills 49; McElroy, Hills 61: Children and Family Law)

**HB 756-L**, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system. (Itse, Rock 80; Gonzalez, Hills 49; Prescott, Dist 23: Municipal and County Government)

**HB 757**, relative to health care fund grant awards. (Weyler, Rock 79; Alger, Graf 14; Camm, Rock 79; Boyce, Dist 4; Gatsas, Dist 16: Finance)

**HB 758-FN**, relative to the criteria for medicaid eligibility. (Kurk, Hills 48; Sapareto, Dist 19; Martel, Dist 18: Health, Human Services and Elderly Affairs)

**HB 759**, relative to personal health and financial information privacy. (Kurk, Hills 48; M. Smith, Straf 72; Pilliod, Belk 31; Langley, Rock 88; Flanders, Dist 7; Martel, Dist 18; Below, Dist 5: Commerce)

**HB 760-FN-A**, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. (Spiess, Hills 47; Norelli, Rock 86; Stohl, Coos 1; Kenison, Merr 41; Craig, Hills 50; French, Merr 34; Osborne, Merr 40; Wall, Straf 72: Ways and Means)

**HB 761**, enabling towns to adopt subdivision regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions. (Spang, Straf 72; Akins, Graf 18; Twombly, Straf 67; C. Christensen, Hills 58; Shultis, Rock 86; Sapareto, Dist 19: Municipal and County Government)

**HB 762**, relative to the transmission of unsolicited material via facsimile transmission. (R. L'Heureux, Hills 58; Dickinson, Carr 4; Perkins, Merr 33; Roberge, Dist 9; Martel, Dist 18; Estabrook, Dist 21: Commerce)

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Kerns, Hills 57; Woods, Straf 69; Souza, Hills 51; Sweeney, Hills 62; Buhlman, Hills 66: Judiciary)

**HB 764**, relative to the state of New Hampshire conforming to public laws enacted by the United States Congress. (Marple, Merr 37; L. Christiansen, Hills 66: Legislative Administration)

**HB 765-FN**, relative to consideration of a light rail commuter system and establishing a commission to oversee light rail progress. (Gleason, Rock 77; Holland, Rock 76; Introne, Rock 75; DiFruscia, Rock 76; Carson, Rock 75; Sapareto, Dist. 19; D'Allesandro, Dist 20: Public Works and Highways)

**HB 766**, relative to the information required for a license to carry a pistol or revolver. (Dickinson, Carr 4; Welch, Rock 79; Letourneau, Rock 77; Phinizy, Sull 23; Alger, Graf 14; Kenney, Dist 3; Gallus, Dist 1; Prescott, Dist 23; Sapareto, Dist 19: Criminal Justice and Public Safety)

**HB 767-FN**, relative to political advertising not authorized by the candidate. (Dickinson, Carr 4; Langley, Rock 88; Phinizy, Sull 23; Babson, Carr 6; Lasky, Hills 65; Johnson, Dist 2; Estabrook, Dist 21; Sapareto, Dist 19: Election Law)

**HB 768**, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes. (L. Pratt, Coos 2; King, Coos 1; Gilman, Graf 9: Resources, Recreation and Development)

- HB 769**, relative to the lighting of certain advertising devices along highways. (Fletcher, Hills 48; Hunter, Hills 48; Emerton, Hills 48; Roberge, Dist 9; Martel, Dist 18: Public Works and Highways)
- HB 770-FN-A**, establishing a credit against the business enterprise tax for compensation paid to disabled employees. (DiFruscia, Rock 76; Holland, Rock 76; McMahon, Rock 76; Waterhouse, Rock 76; Phinizy, Sull 23; Sapareto, Dist 19; Kenney, Dist 3: Ways and Means)
- HB 771-FN**, repealing exemptions to the consumer protection act. (DiFruscia, Rock 76; Phinizy, Sull 23; J. Pratt, Ches 24; Weyler, Rock 79: Commerce)
- HB 772-FN-L**, including undeveloped shoreline property in land granted tax relief under current use. (C. Christensen, Hills 58; Spang, Straf 72; R. L'Heureux, Hills 58; R. Laflam, Belk 29; Russell, Belk 31; Odell, Dist 8; Roberge, Dist 9: Environment and Agriculture)
- HB 773**, establishing a committee to study a tuition tax credit program. (Slocum, Hills 47; Alger, Graf 14; T. Allen, Hills 45; Balcom, Hills 58; O'Hearn, Dist 12; Roberge, Dist 9: Ways and Means)
- HB 774-L**, enabling municipalities to expend funds to plow private roads. (P. Katsakiores, Rock 77; Letourneau, Rock 77; Rausch, Rock 77; Wiley, Rock 77: Municipal and County Government)
- HB 775**, establishing a New Hampshire presidential primary advisory commission. (Splaine, Rock 86; Flanagan, Rock 78: Election Law)
- HB 776**, relative to emergency medical care for pregnant women. (Francoeur, Rock 85; MacKay, Merr 39; Batula, Hills 58; Hess, Merr 37; Mock, Carr 4: Judiciary)
- HB 777**, allowing the commissioner of the department of corrections to enter into contracts with sheriffs' departments to hold persons charged with crimes in state correctional facilities for temporary periods. (King, Coos 1; Poulin, Coos 3; Theberge, Coos 3; Woodward, Coos 3; Gallus, Dist 1: Criminal Justice and Public Safety)
- HB 778-L**, relative to the city of Manchester school district. (Infantine, Hills 54; Pepino, Hills 51; Vaillancourt, Hills 56; Hagan, Hills 50; Martel, Dist 18: Municipal and County Government)
- HB 779**, relative to appeals from recounts of legislative elections. (Giuda, Graf 13; Kennedy, Merr 34; Tahir, Hills 50; Weyler, Rock 79; Clegg, Dist 14; Boyce, Dist 4: Election Law)
- HB 780**, relative to the operation of school administrative units. (Giuda, Graf 13; Weyler, Rock 79; Gilman, Graf 9; Clegg, Dist 14; Boyce, Dist 4: Education)
- HB 781-FN-A**, establishing the office of corrections ombudsman. (K. Gilbert, Rock 82; Stevens, Carr 7; Jones, Sull 19; Knowles, Straf 69; Nedeau, Belk 30: Executive Departments and Administration)
- HB 782**, establishing a committee to study voting membership of municipal boards and commissions. (Schmidt, Straf 70: Municipal and County Government)
- HB 783-FN**, relative to penalties for simple assault, reckless conduct, and unsworn falsification. (Dumaine, Rock 75: Criminal Justice and Public Safety)
- HB 784-FN-L**, relative to long-term care services. (MacKay, Merr 39; Pilliod, Belk 31; Batula, Hills 58; Larsen, Dist 15: Health, Human Services and Elderly Affairs)
- HB 785-FN**, requiring the commissioner of the department of education to establish a public school choice initiative. (Alger, Graf 14; Johnson, Dist 2: Education)
- HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. (Alger, Graf 14; M. Harrington, Straf 68; Kurk, Hills 48; Dickinson, Carr 4; Dodge, Rock 80; Johnson, Dist 2; Gallus, Dist 1: Education)
- HB 787-FN-A**, relative to renewable energy promotion. (King, Coos 1; Chandler, Carr 4; Norelli, Rock 86; Dickinson, Carr 4; Williams, Graf 16; Flanders, Dist 7; Gallus, Dist 1; Below, Dist 5; Johnson, Dist 2: Science, Technology and Energy)
- HB 788-FN-A**, repealing the certificate of need law. (Wendelboe, Belk 29: Health, Human Services & Elderly Affairs)
- HB 789**, relative to a nonbinding referendum to measure voter support for casino gambling in New Hampshire. (Gionet, Graf 11; Mears, Coos 3; King, Coos 1; Guay, Coos 2; DiFruscia, Rock 76; Gallus, Dist 1: Ways and Means)
- HB 790**, relative to legislative voting procedures and apportioning state representative districts. (T. Allen, Hills 45: Election Law)
- HB 791-FN-A**, relative to the sale of state merchandise and gift items in state liquor stores and staffed rest areas. (Crane, Hills 59; Cataldo, Straf 68; S. Harris, Sull 22: Executive Departments and Administration)
- HB 792**, establishing a legislative internship pilot program in the house of representatives. (Crane, Hills 59; McHugh, Hills 61; Gibson, Hills 58; D. Fields, Hills 58; Rush, Merr 36: Legislative Administration)

- HB 793-FN-A**, relative to reimbursement rates for home health services and making an appropriation therefor. (Emerton, Hills 48; Patten, Carr 7; P. Katsakiores, Rock 77; French, Merr 34; Dalrymple, Rock 76; Martel, Dist 18; Sapareto, Dist 19; Kenney, Dist 3: Finance)
- HB 794**, allowing the department of transportation to lease space for the provision of food service at state highway and turnpike rest stops. (Whalley, Belk 31; Craig, Hills 50; Barnes, Dist 17; Flanders, Dist 7; Clegg, Dist 14; D'Allesandro, Dist 20; Gatsas, Dist 16: Public Works and Highways)
- HB 795**, establishing a committee to study deaths and injuries caused by OHRV use by minors. (Nordgren, Graf 17; Pilliod, Belk 31; Miller, Straf 72; O'Hearn, Dist 12; Below, Dist 5: Resources, Recreation and Development)
- HB 796-FN-L**, relative to the taxation of manufactured housing. (D. Fields, Hills 58: Commerce)
- HB 797**, establishing a committee to study methods for the legislature to protect New Hampshire groundwater aquifers. (Pilliod, Belk 31; Vaillancourt, Hills 56; Messier, Hills 50: Resources, Recreation and Development)
- HB 798**, relative to gifts by fiduciaries. (Pilliod, Belk 31; J. Pratt, Ches 24; Rowe, Hills 47: Commerce)
- HB 799-FN-A**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. (Williams, Graf 16; Musler, Straf 68: Environment and Agriculture)
- HB 801**, establishing a committee to study the implementation of effective student assistance programs in all schools. (Gargasch, Hills 46; M. Cooney, Graf 15; Leber, Merr 35; Furman, Hills 64; O'Hearn, Dist 12: Education)
- HB 802-FN-A**, requiring the department of transportation to retrofit a highway rest stop to be a solar powered facility and making an appropriation therefor. (Akins, Graf 18; King, Coos 1; Benn, Graf 17; Milligan, Hills 58; Martel, Dist 18: Public Works and Highways)
- HB 803-FN-A-L**, establishing the New Hampshire downtown development program. (Akins, Graf 18; Langone, Rock 77; Gleason, Rock 77; Martel, Dist 18; Below, Dist 5: Municipal and County Government)
- HB 804**, establishing a committee to study the certification of New Hampshire public schools in accordance with International Organization of Standards 9001 guidelines. (Akins, Graf 18: Education)
- HB 805**, establishing a consensus revenue estimating panel. (J. Gilbert, Rock 83: Ways and Means)
- HB 806**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. (Patten, Carr 7; Leber, Merr 35; Pilliod, Belk 31; B. Richardson, Ches 26; O'Hearn, Dist 12; Estabrook, Dist 21: Municipal and County Government)
- HB 807-FN**, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. (Weyler, Rock 79; Quandt, Rock 83; N. Johnson, Straf 68; Barnes, Dist 17; Roberge, Dist 9; Below, Dist 5: Commerce)
- HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. (R. L'Heureux, Hills 58; R. Laflam, Belk 29; Goyette, Hills 66; John Manning, Rock 76; Roberge, Dist 9; Gallus, Dist 1; Johnson, Dist 2: Fish and Game)
- HB 809**, establishing a committee to study implementing a consumption tax. (Akins, Graf 18: Ways and Means)
- HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. (Dickinson, Carr 4; Babson, Carr 6; Spang, Straf 72; Phinizy, Sull 23; R. Cooney, Rock 76; Gallus, Dist 1; Kenney, Dist 3: Resources, Recreation and Development)
- HB 811**, relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof, and relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Bruno, Hills 45; Gilman, Graf 9; Coughlin, Hills 45: Judiciary)
- HB 812**, relative to state acquisition of privately-owned airports. (E. Smith, Ches 26; Leber, Merr 35; Morse, Dist 22: Public Works and Highways)
- HB 813-FN-A**, establishing a deduction from the business profits tax for investments made in New Hampshire companies. (Brady, Coos 2: Ways and Means)
- HB 814-FN-A**, establishing a credit against the business profits tax for certain insurance, financial services, and health care business organizations. (Brady, Coos 2; Holden, Hills 48; Gallus, Dist 1: Ways and Means)
- HB 815**, relative to the duties of corporate directors and the procedure for shareholder inspection of records under the New Hampshire Business Corporation Act. (Spiess, Hills 47; Welch, Rock 79; Peterson, Dist 11: Commerce)



- HB 816**, making technical corrections to the securities laws. (Spiess, Hills 47; Welch, Rock 79; Peterson, Dist 11: Commerce)
- HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Spiess, Hills 47: Commerce)
- HB 818**, relative to clearing land before plan approval. (M. Allen, Rock 81; John Manning, Rock 76: Resources, Recreation and Development)
- HB 819**, relative to original and youth operators' licenses. (Packard, Rock 75; Larsen, Dist 15: Transportation)
- HB 820-FN-L**, relative to armed services and overseas voting. (Wendelboe, Belk 29; Bicknell, Rock 73: Election Law)
- HB 821**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Mooney, Hills 58; Wendelboe, Belk 29; Twombly, Straf 67; Bicknell, Rock 73; J. Wheeler, Hills 47; Souza, Hills 51; T. Allen, Hills 45; Buhlman, Hills 66; Carlson, Hills 44; Reed, Merr 33; Merrow, Carr 6; Duffy, Rock 79; M. Carter, Hills 44; Price, Hills 64; J. Allen, Belk 31; Roce, Belk 30; Barnes, Dist 17; Prescott, Dist 23: Labor, Industrial and Rehabilitative Services)
- HB 822**, relative to abandoned vehicles. (Akins, Graf 18: Transportation)
- HB 823-FN-L**, relative to eligibility of retired teachers for payment of medical benefits. (P. LaFlamme, Hills 61; Jean, Hills 65; McElroy, Hills 61; O'Hearn, Dist 12: Executive Departments and Administration)
- HB 824-FN-A**, relative to services for persons with mental illness and making an appropriation therefor. (Vachon, Straf 68: Health, Human Services and Elderly Affairs)
- HB 825**, establishing a committee to study methods of safely reducing the prison population in the state. (Ingbreton, Graf 13; Boyce, Belk 31; L. Christiansen, Hills 66; Gilman, Graf 9; Johnson, Dist 2: Criminal Justice and Public Safety)
- HB 826-FN**, establishing a limited moratorium on the use of psychotropic drugs and requiring the attorney general to study the use of such drugs. (Ingbreton, Graf 13; Crane, Hills 59; Gilman, Graf 9; Kennedy, Merr 34; McElroy, Hills 61: Health, Human Services and Elderly Affairs)
- HB 827**, establishing a committee to study the costs and benefits to the state of a state-level community reinvestment act for credit unions and non-bank mortgage lenders doing business in this state. (Potter, Merr 38: Commerce)
- HB 828-FN-A-L**, relative to alternative fuel vehicles. (P. Sullivan, Hills 50: Ways and Means)
- HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections. (Mercer, Hills 59; Clemons, Hills 62; Lasky, Hills 65; Furman, Hills 64; N. Allan; Hills 63; Price, Hills 64; Gatsas, Dist 16; D'Allesandro, Dist 20: Election Law)
- HB 830-FN-A**, creating enterprise zones in which qualifying businesses are eligible for tax credits. (Brady, Coos 2; Gallus, Dist 1: Ways and Means)
- HB 831**, establishing a New Hampshire end-of-life care study commission. (Sokol, Graf 17; Batula, Hills 58; French, Merr 34; Seldin, Merr 39; Estabrook, Dist 21; Martel, Dist 18: Health, Human Services and Elderly Affairs)
- HB 832-FN**, relative to the privacy of medical records. (Kurk, Hills 48; Pilliod, Belk 31; M. Smith, Straf 72; Dalrymple, Rock 76; Martel, Dist 18; Flanders, Dist 7: Commerce)
- HB 833-L**, relative to Shaker Road and Bay Hill Road in the town of Northfield. (Leber, Merr 35; Kenison, Merr 41; Flanders, Dist 7: Public Works and Highways)
- HB 834-L**, relative to River Road and Nimble Hill Road in the town of Newington. (Leber, Merr 35; Kenison, Merr 41; Norelli, Rock 86: Public Works and Highways)
- HB 835-FN**, relative to federal highway grant anticipation bonds. (Graham, Hills 57; Benn, Graf 17; Morse, Dist 22: Public Works and Highways)
- HB 837-FN**, relative to the release of real estate liens. (Hutchinson, Rock 75: Commerce)
- HJR 2**, requiring the assignment of oversight of state agencies to legislative policy committees. (Dickinson, Carr 4; Welch, Rock 79; Jacobson, Merr 32; Phinizy, Sull 23; Roberge, Dist 9; D'Allesandro, Dist 20; Prescott, Dist 23: Legislative Administration)
- HCR 17**, urging the posthumous promotion of Colonel Edward Ephraim Cross to brigadier general. (Leone, Sull 21; L. Pratt, Coos 2; Letourneau, Rock 77; Packard, Rock 75; Heon, Straf 67; Gallus, Dist 1: State-Federal Relations and Veterans Affairs)
- HCR 18**, relative to state senate and representative districts (McRae, Hills 48; Alger, Graf 14; M. Harrington, Straf 68: Election Law)

**HR 9**, urging the federal government to extend the Internet Tax Freedom Act moratorium. (Thomas, Belk 31; Eaton, Dist 10: State-Federal Relations and Veterans Affairs)

**HR 10**, urging the department of defense to establish a military presence in the state of New Hampshire for purposes of domestic security. (Morris, Rock 84; Haytayan, Hills 46: State-Federal Relations and Veterans Affairs)

**CACR 11**, relating to legislative acts as expressions of the sovereign will of the people. Providing that every act of the legislature enacted in accordance with the procedures of the constitution shall be conclusively presumed to be constitutional as the expressed will of the people. (Sorg, Graf 11; Gilman, Graf 9: Judiciary)

**CACR 12**, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. (Crane, Hills 59; Sorg, Graf 11; Gibson, Hills 58; Boyce, Belk 31; V. Clark, Rock 79; Boyce, Dist 4: Judiciary)

**CACR 13**, relating to defining the extent of state responsibility to provide aid for public elementary and secondary education. Providing that the state shall provide aid to school districts with a fiscal capacity that is less than their education need and the aid shall be a minimum of 31 percent of the state average expenditure per public elementary and secondary pupil, calculated at least once in every 5 years. (Gionet, Graf 11; Ham, Graf 12: Education)

**HA 1**, for the removal of Wayne Vetter, executive director of the fish and game department, from his said office. (Rep. Hopper, Hills 48; Rep. Albert, Straf 67: Joint Committee on Address)

### AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

#### Amendment

Amend House Rule 17 to read as follows:

17.(a) The following persons shall be admitted within the door of the Representatives' chamber *or anteroom* while the House is in session: House members and officers, the Governor, Council members, ~~Senate members,~~ the Secretary of State, the Treasurer, *the President of the Senate*, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Speaker.

Rep. Whalley moved adoption of the amendment and spoke in favor.

Adopted.

### REMOVED FROM THE TABLE

Rep. Hess moved that the amendment to House Rule 63 be removed from the table.

#### Amendment

Proposed amendment to House Rule 63.

(Last sentence) With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting ~~devices~~ and/or receiving devices *nor shall any member operate a video camera or a camera utilizing flash bulbs* on the floor of the House, *while the House is in session.*

Rep. Hess moved adoption of the amendment to House Rule 63.

Reps. Weyler and DiFruscia spoke against.

Rep. Newton spoke in favor.

Rep. Soltani spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Bergin requested a roll call; sufficiently seconded.

The question being adoption of the amendment to House Rule 63.

**YEAS 230 NAYS 138**

**YEAS 230****BELKNAP**

Ahern, Omer Jr  
Fitzgerald, James  
Russell, David

Allen, Janet  
Holbrook, Robert  
Thomas, John

Bartlett, Gordon  
Lawton, David  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen

**CARROLL**

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

" Dickinson, Howard  
Mock, Henry

Hatch, Paul  
Olimpio, J Lisbeth

**CHESHIRE**

Batchelder, Robert  
Laurent, John  
Pratt, Irene

Dunn, James  
Liebl, George  
Royce, H Charles

Fish, Douglas  
Manning, Joseph  
Smith, Edwin

Hunt, John  
Mitchell, McKim

**COOS**

Brady, Mark  
Richardson, Herbert  
Woodward, David

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Alger, John  
Gionet, Edmond  
Nordgren, Sharon

Dorsett, Andrew  
Giuda, Robert  
Solomon, Peter

Eaton, Stephanie  
Maybeck, Margie  
Sorg, Gregory

Gilman, G Michael  
Naro, Debra  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergin, Peter  
Buhlman, David  
Cernota, Albert  
Desmarais, Vivian  
Emerton, Larry  
Goulet, Maurice  
Hansen, Ryan  
Hunter, Bruce  
Konys, Christine  
Lasky, Bette  
Messier, Irene  
Ober, Russell III  
Price, Pamela  
Spiess, Paul  
Wheeler, James

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Cail, Kenneth  
Christensen, D L Chris  
Dokmo, Cynthia  
Fletcher, Richard  
Graham, John  
Harrington, Paul  
Infantine, William  
Kurk, Neal  
Leach, Edward  
Milligan, Robert  
Pappas, Christopher  
Reeves, Sandra  
Stepanek, Stephen  
Wheeler, Robert

Allen, Timothy  
Batula, Peter  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Drisko, Richard  
Furman, Christine  
Hall, Charles  
Hawkins, Ken  
Irwin, Anne-Marie  
Laflamme, Charles  
Lessard, Rudy  
Moran, Edward  
Pappas, Marc  
Ross, Lawrence  
Sullivan, Francis

Artz, Lawrence  
Beaton, William  
Buckley, Raymond  
Carter, Mark  
Coughlin, Pamela  
Elliott, Larry  
Gonzalez, Carlos  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Jasper, Shawn  
LaFlamme, Paul  
Mercer, Robert  
Mosher, William  
Pilotte, Maurice  
Slocum, Lee  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
DeJoie, John  
Gile, Mary  
Kenison, Leon  
MacKay, James  
Osborne, Jessie

Blanchard, Elizabeth  
Currier, David  
DeStefano, Stephen  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances

Bouchard, Candace  
Daniels, Eric  
Foley, Albert  
Hamm, Christine  
Leber, William  
Nutter, Edward  
Reed, Dennis

Brueggemann, Donald  
Davis, Frank  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Oliver, James  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Casey, Kimberley  
Dodge, Robert

Bridle, Russell  
Coes, Betsy  
Doyle, Christopher

Cady, Harriet  
Corbin, Corey  
Flanders, John Sr

Carson, Sharon  
Dalrymple, Janeen  
Francoeur, Sheila

Gilbert, Jeffrey  
 Hamel, Albert  
 Ingram, Russell  
 Katsakiores, George  
 Letourneau, Robert  
 McKinney, Betsy  
 Packard, Sherman  
 Robertson, Carl  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Gillick, Thomas  
 Headd, James  
 Introne, Robert  
 Katsakiores, Phyllis  
 Major, Norman  
 Norelli, Terie  
 Pantelakos, Laura  
 Roessner, Kurt  
 Smith, Donald  
 Vallone, Matthew  
 Winchell, George

Gould, Kenneth  
 Holland, James Jr  
 Johnson, Robert  
 Kobel, Rudolph  
 Manning, John  
 Noyes, Richard  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Smith, Paul  
 Waterhouse, Kevin  
 Zolla, William

Griffin, Mary  
 Hughes, Daniel  
 Johnson, Rogers  
 Langone, John  
 McCann, Richard  
 O'Neil, Michael  
 Rausch, James  
 Scamman, Stella  
 Stone, Joseph  
 Weare, E Albert

## STRAFFORD

Albert, Russell  
 Dunlap, Patricia  
 Hofemann, Roland  
 Rous, Emma  
 Spang, Judith  
 Wall, Janet

Bemis, Alan  
 Easson, Timothy  
 Miller, Joseph  
 Schmidt, Peter  
 Taylor, Kathleen  
 Woods, Phyllis

Berube, Roger  
 Grassie, Anne  
 Musler, George  
 Scott, David  
 Twombly, James

Brown, Julie  
 Harrington, Michael  
 Newton, Clifford  
 Smith, Marjorie  
 Vachon, Dennis

Burling, Peter  
 Leone, Richard

Harris, Joseph  
 Rodeschin, Beverly

Harris, Sandra

Jones, Constance

## NAYS 138

## BELKNAP

Boyce, Laurie  
 Rice, Thomas

Dewhirst, Glenn  
 Wendelboe, Fran

Laffam, Robert

Pilliod, James

## CARROLL

Babson, David Jr

Kenney, Bettie

Stevens, Stanley

## CHESHIRE

Allen, Peter  
 Meader, David  
 Robertson, Timothy  
 Weed, Charles

Dexter, Judson  
 Parkhurst, Henry  
 Slack, Pamela

Eaton, Daniel  
 Pratt, John  
 Tilton, Anna

Espiefs, Peter  
 Richardson, Barbara  
 Webber, Amy

## COOS

None

## GRAFTON

Akins, Ralph  
 Bleyler, Ruth  
 Ham, Bonnie  
 Sokol, Hilda

Almy, Susan  
 Cooney, Mary  
 Hammond, Lee

Barker, Robert  
 Densmore, Edward  
 Ingbreton, Paul

Benn, Bernard  
 Diamond, Estelle  
 Scovner, Nancy

## HILLSBOROUGH

Arnold, Thomas Jr  
 Bouchard, David  
 Christiansen, Lars  
 Crane, Elenore Casey  
 Gargas, Carolyn  
 Hinkle, Peyton  
 Kopka, Angeline  
 Luebker, Bernard  
 McHugh, Claire  
 O'Brien, Lori  
 Schulze, Joan  
 Sullivan, Peter

Baroody, Benjamin  
 Brassard, Paul  
 Clayton, William  
 Dionne, Kimberley  
 Gibson, John  
 Holden, Randolph  
 Kudalis, Debra  
 Malloy, Chris  
 McRae, Karen  
 Palangas, Eric  
 Shaw, Barbara  
 Sweeney, Cynthia

Barry, J Gail  
 Carter, Jeffrey  
 Cote, Peter  
 Fields, Dennis  
 Gorman, Mary  
 Jean, Claudette  
 L'Heureux, Robert  
 McDonough-Wallace, Alice  
 Mooney, Maureen  
 Pepino, Leo  
 Souza, Kathleen  
 Tahir, Saghir

Bergeron, Jean-Guy  
 Chabot, Robert  
 Craig, James  
 Ford, Nancy  
 Haley, Robert  
 Johnson, Lionel  
 Lefebvre, Roland  
 McElroy, Henry Jr  
 Movsesian, Lori  
 Scanlon, Michael  
 Sullivan, Jeffrey  
 Vaillancourt, Steve

**MERRIMACK**

Clarke, Claire	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Marple, Richard	McCormick, Tom	Ouellette, Robert	Owen, Derek
Reardon, Tara	Rush, Deanna	Seldin, Gloria	Soltani, Tony

**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Camm, Kevin
Clark, Vivian	Davidson, Robert	Dearborn, Bruce	DiFruscia, Anthony
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flayhan, Mary Lou	Gilbert, Karl	Itse, Daniel	Langley, Jane
McMahon, Charles	Moore, Benjamin	Putnam, Ed II	Quandt, Matthew
Splaine, James	Tufts, J Arthur	Varrell, Thomas	Weldy, Norman Jr
Weyler, Kenneth	Wiley, Robert		

**STRAFFORD**

Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Creteau, Irene
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Pelletier, Arthur	Snyder, Clair	

**SULLIVAN**

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Phinizy, James		

and the amendment to House Rule 63 was adopted.

**VACATE**

Rep. Packard moved that the House vacate the reference of **HB 335**, relative to the regulation of the operation of OHRVs, to the Committee on Transportation.

Adopted.

Referred to the Committee on Municipal & County Government.

**MOTION TO PRINT DEBATE**

Rep. Lars T. Christiansen moved that the debate on amendment to House Rule 63 be printed in the Permanent Journal.

Motion failed.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 89**, establishing a committee to study airport security staffing, removed by Rep. Pepino.

**HB 57**, relative to the use of inhalers by pupils and campers with asthma, removed by Rep. Batula.

**HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies, removed by Rep. Batula.

**HB 59**, relative to court reporting, removed by Rep. Soltani.

**HB 182**, relative to unclaimed shares and advancements to heirs, removed by Rep. John Pratt.

Consent Calendar adopted.

**HB 102**, relative to disclosures required in retail installment sales of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser Jr. for Commerce: The sponsor requested that this proposed legislation be withdrawn. The committee voted to report the bill as ITL. Vote 16-0.

**HB 160**, relative to removal or replacement of trustees. **OUGHT TO PASS**

Rep. Leo W. Fraser Jr. for Commerce: In 1998 lawmakers passed a bill to expand the circumstances under which beneficiaries or co-trustees could petition the probate court for the replacement or removal of an existing trustee. The bill was intended to apply to all trusts as defined in the Uniform Trustees' Powers Act (RSA 564-A), which is the chapter in state law that describes the powers conferred and exercised by trustees. The law that passed in 1998 amended an existing provision in RSA 564, which was the original New Hampshire statute governing the jurisdiction of the pro-

bate court as it applies to trusts and which contained a provision pertaining to the removal of a trustee. The intent of the bill passed in 1998 was that the removal and replacement provisions did apply to all trusts. This bill clarifies that the provision in state law allowing beneficiaries of a trust to petition the court for removal or replacement of an existing trustee applies to trustees of all trusts, as defined in the Uniform Trustees Powers Act, and not just trustees appointed by the probate court. Vote 16-0.

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas K. Fish for Criminal Justice and Public Safety: This bill, as amended, creates a commission with the participation of all the departments and groups related to the information generated by the respective criminal justice agencies with the intention of sharing the information. The commission will determine whether the creation of such an integrated criminal justice information system would promote efficiency at a reduced cost while preserving privacy rights of individuals. The amendment adds a representative of the county corrections system and the Director of Police Standards and Training to the commission and sets forth the intention to protect the rights of individuals. Vote 19-0.

#### **Amendment (0020h)**

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Particular care and attention shall be afforded to the effect of any such integrated criminal justice system on the rights of individuals guaranteed under the New Hampshire constitution and the Bill of Rights of the United States Constitution.

Amend section 2 of the bill by inserting after subparagraph I (l) the following new subparagraphs:

(m) The president of the New Hampshire Association of Counties – County Corrections Superintendents Affiliate, or designee.

(n) The director of the New Hampshire police standards and training council, or designee.

Amend section 2 of the bill by replacing subparagraph II (b) with the following:

(b) Study whether the creation of an integrated criminal justice information system would improve public safety and domestic security by allowing criminal justice agencies and authorized individuals to record, share, retrieve, and analyze important information collected about criminal charges and their disposition, and by improving dissemination of information pertaining to bail conditions.

**HB 71**, establishing a committee to study regulations on the use and misuse of non-lethal weapons. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This would establish a committee to study regulations on the use and misuse of non-lethal weapons. The committee felt that this was an issue dealing with a single complaint and that a list of non-lethal weapons would be far too great to be workable, and would create a great deal of confusion trying to sort out what would be non-lethal. The committee also believes this is already covered by RSA 625:11. It was the committee feeling that we should not be dealing with “non-lethal weapons that haven’t been developed” at this time. Vote 19-0.

**HB 86**, relative to the membership of the permissible fireworks review committee. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The permissible fireworks review committee is presently an established committee of which the Senate has one (1) member plus an alternate. This bill makes the alternate a full member and able to vote on all matters before the committee. In addition, it also creates a committee with an odd number of members eliminating the potential for tie votes. Vote 19-0.

**HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers and juvenile services officers against individuals under their supervision. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill is the result of a Supreme Court decision, *State v Foss*, that indicated that consent could be considered a defense in sexual assault of inmates by corrections officers. The court indicated in that decision that if the legislature

wanted to eliminate that defense it should so indicate it in the law. The bill makes it clear that it is the intent of the legislature that no person should suffer a sexual assault by a Corrections Officer, a Probation and Parole Officer, or Juvenile Probation and Parole Officer who has supervision or custody of that person. The amendment simply makes two technical corrections, changing Juvenile Services Officers to Juvenile Probation and Parole Officers and removing two erroneous words. The committee felt that this is a necessary change to current law. Vote 19-0.

#### Amendment (0012h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision.

Amend the bill by replacing sections 2-4 with the following:

2 Aggravated Felonious Sexual Assault; Section Amended. Amend RSA 632-A:2, I(n) to read as follows:

(n) When the actor is in a position of authority over the victim [~~and uses this authority to coerce the victim to submit~~] under any of the following circumstances:

(1) When the actor has supervisory *or disciplinary* authority over the victim by virtue of the victim being incarcerated in a correctional institution, *the secure psychiatric unit*, or juvenile detention facility; or

(2) When *the actor* is a probation or parole officer *or a juvenile probation and parole officer who* has supervisory *or disciplinary* authority over the victim while the victim is on parole or probation or under juvenile probation.

Consent of the victim under any of the [~~above~~] circumstances *set forth* in subparagraph (n) shall not be considered a defense.

3 Felonious Sexual Assault; Gender Neutral. Amend the introductory paragraph of RSA 632-A:3 to read as follows:

A person is guilty of a class B felony if [~~he~~] *such person*:

4 Felonious Sexual Assault; Disciplinary Authority. Amend RSA 632-A:3, IV to read as follows:

IV. Engages in sexual contact with the person when the actor is in a position of authority over the person [~~and uses that authority to coerce the victim to submit~~] under any of the following circumstances:

(a) When the actor has supervisory *or disciplinary* authority over the victim by virtue of the victim being incarcerated in a correctional institution, *the secure psychiatric unit*, or juvenile detention facility; or

(b) When *the actor* is a probation or parole officer *or a juvenile probation and parole officer who* has supervisory *or disciplinary* authority over the victim while the victim is on parole or probation or under juvenile probation.

*Consent of the victim under any of the circumstances set forth in paragraph IV shall not be considered a defense.*

#### AMENDED ANALYSIS

This bill:

I. Prohibits sexual conduct between any person, including juvenile probation and parole officers, in a supervisory or disciplinary capacity and any person being held at the Secure Psychiatric Unit at the state prison in Concord.

II. Eliminates consent as a defense to aggravated felonious sexual assault and felonious sexual assault.

**HB 157**, relative to pre-sentence investigations. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: After consideration of additional information, the sponsor and the constituents who asked for this bill requested that it be voted Inexpedient to Legislate. Vote 20-0.

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair D. Clarke for Education: This bill was requested by the Department of Education to help them bring together the necessary resources to plan and address the issue of the large number of

students who are close to high school graduation and for whom the Federal Education Law requires that vocational services for finding career opportunities be provided. Presently, only about 20% of high school students are served. Vote 20-0.

#### **Amendment (0036h)**

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The absence of transition assistance is an important reason why special education pupils are not better prepared upon leaving high school.

**HB 80**, relative to violation of the oath of office in certain cases. **INEXPEDIENT TO LEGISLATE**  
Rep. Richard B. Drisko for Election Law: This bill would require that any elected or appointed official take an oath of office as required by the constitution. It would also require any elected or appointed official who violates his/her oath of office be liable for all costs incurred as a result of his/her violation. The committee felt a certain redundancy or duplication of constitutional and statutory laws now in force would be created by this bill. Vote 12-0.

**HB 69**, relative to the reinstatement of expired licenses for architects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill is a needed measure to allow architects whose licenses have expired to be reinstated by the joint board. Reinstatement will only be allowed if the licensee completes the requirements for continuing education and pays the appropriate late fee. Vote 18-0.

#### **Amendment (0028h)**

Amend RSA 310-A:46 as inserted by section 4 of the bill by replacing it with the following:

**310-A:46** Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list and roster. *An application for reinstatement shall be required to return to active status. The board, pursuant to rules adopted under RSA 310-A:32, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.*

**HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: In recent years, there has been an increasing concern about persons who are struggling with more than one combination of addiction and mental illness. This bill forms a commission to study what is now known as co-occurring illnesses. The more serious of these individuals constitute a difficult treatment challenge. The study should review current research about the importance of integrated and collaborative treatment approaches particularly for those who are struggling at the highest level of severity. The study will review the way the various divisions within the Department of Health and Human Services are functioning as to the promotion of integrated services for those with co-occurring illnesses. Vote 15-0.

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: This bill extends the task force on deafness and hearing loss to November 1, 2005. The work of the task force strongly felt that their work is not finished and more education is needed for the deaf and the hard of hearing, so they have a clear understanding of the services that are available for them. The committee felt that this task force was important and must continue. Vote 15-0.

**HB 237**, relative to health care in certain health care facilities. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: The committee was prepared to act on the bill, however, at the last minute the sponsor and co-sponsor asked the committee to I.T.L. the bill. The committee voted unanimously to honor that request. Vote 16-0.

**HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. **OUGHT TO PASS**



Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill simply extends the life of the oversight committee for the allocation of funds disbursed for the developmental disabilities waitlist. The recent waitlist bill met with a sunset clause and the work of this very important committee is yet to be completed. The developmental disabilities waitlist in this state continues to grow and the wait time for services now exceeds the 200 day mark. in spite of recent legislation which calls for an end to the waitlist (beyond 90 days) in the year 2006. The oversight committee needs to complete its work on this urgent situation. Vote 16-0.

**HB 68, establishing a committee to study judicial review and judicial recall procedures. INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This bill would establish a committee to study judicial review and judicial recall procedures. Per the sponsor, review would also include looking at and viewing judicial decisions of the courts to see if there is a "pattern." While the Judiciary Committee is fully supportive of the concept of judicial review, there is a consensus that this bill creates an unnecessary infringement on the separation of powers. Its not in the purview of the legislature to have oversight over the courts in their decision making function. Decisions of the court are made public for anyone to review. The Judiciary Committee has already passed a bill requiring judicial review that has been signed into law. There are other bills to come before the committee later this session that will address the specific topics of review and removal. Vote 14-0.

**HB 93, relative to the notice to quit and notice of intent to appeal in landlord tenant actions. INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill sought to reduce the amount of time that a tenant has to pay rent owed at the time of the issuance of a notice to quit from seven days to three days for both residential and non-residential tenancies. It also sought to reduce the time to appeal a district court decision in a landlord/tenant case from seven to three days. Most witnesses testified that the system works well as is and that the full seven days is needed for many tenants to procure the rent due from city, town or other sources. The committee felt that this measure may well increase landlord/tenant litigation and homelessness. Vote 17-1.

**HB 114, establishing a committee to study the constitutionality of current New Hampshire statutory enactments. INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The study committee to be appointed under the bill would review the New Hampshire Revised Statutes Annotated in their entirety in order to identify- and presumably to recommend repeal of- all laws that are not considered to be in compliance with "constitutional constraints against interference with personal liberties." In unanimously voting this bill inexpedient to legislate, the committee concluded, first, that the task of reviewing the RSAs in sufficient detail in their entirety would be prohibitively time consuming and would require the participation of contributors having a range of expertise at least as wide as the many specialized subjects the RSAs cover; and second, that by reason that even recognized experts on constitutional law can reasonably disagree in their interpretation of the Constitution as it applies to a given statute, the study committee's determinations would only reflect the point of view of its members, providing no assurance that the results of its long labors would satisfy the objectives of the bill's sponsor. The committee concluded that the better, more efficient way to deal with statutes regarded as unconstitutional or otherwise objectionable, is to follow the normal procedure of framing individual bills specifically identifying each such statute and proposing specific remedial action. Vote 14-0.

**HB 183, relative to a distribution from a decedent's estate to a minor. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: HB 183 requires that any distribution from an estate to a minor who is not under legal guardianship must be made in accordance with the Uniform Transfer to Minors Act. Vote 16-0.

**Amendment (0049h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Minors Not Under Guardianship. Amend RSA 561:20 to read as follows:

561:20 Minors Not Under Guardianship. Whenever any minor *whose estate is* not [being] under legal guardianship shall be entitled to receive from any administrator [or], executor, *trustee, or third party payor/custodian*, any distributive share as heir or next of kin, [or] any legacy, [the full amount of which

share or legacy is not more than \$5,000, said administrator or executor, upon petition to and approval of the probate court, shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or parent or other person to give bond or to account for all money received on behalf of the minor, or both] *bequest or devise, any monetary distribution, or any ownership interest, said administrator, executor, trustee, or third party payor/custodian shall make such distribution to the person designated as such minor's custodian for the benefit of such minor under either RSA 463-A, the Uniform Transfers to Minors Act, or under another state's Uniform Transfers to Minors Act or similar statute, or absent a designated custodian, to a custodian for the benefit of such minor under RSA 463-A, the Uniform Transfers to Minors Act.*

2 Effective Date. This act shall take effect January 1, 2004.

### **HB 186, relative to the effect of divorce or annulment upon trusts. OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill amends the section of law on the revocation of wills by inserting a new section which makes it plain that a divorce or annulment terminates any inheritance claim made by the former spouse made under the provisions of a trust established before the divorce unless the trust expressly provides otherwise. Vote 18-0.

### **HB 195, prohibiting all part-time district court judges from practicing law in the district courts. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: Currently there are 20 full time and 53 part time judges in the district court. These judges are either justices, associate justices or special justices. The associate justices sit in the larger city district courts. The smaller courts have part time justices and part time special justices. Many part time justices, associate justices and special justices conduct a law practice in addition to being a local judge. In order to avoid any real or appearances of impropriety, the law states that part time justices, associate justices and clerks cannot practice law in other district courts. This bill adds special justices to this prohibition. The committee feels that this is an excellent policy. Vote 17-0.

#### **Amendment (0044h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

Amend the bill by replacing section 1 with the following:

1 Disqualification of Justices; Special Justices; Clerks. Amend RSA 502-A:21 to read as follows: 502-A:21 Disqualifications of Justices[~~-etc~~]. No justice, associate justice, special justice or clerk of any district [~~or municipal~~] court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court or which has been examined or tried therein. No such justice [~~or~~], associate justice, *special justice, or clerk* shall be retained or employed as an attorney in any matter pending before any other district [~~or municipal~~] court. [~~No special justice of any municipal or district court shall appear in any municipal or district court representing a client in a criminal case.~~] No attorney shall be permitted to practice before any district [~~or municipal~~] court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law.

#### **AMENDED ANALYSIS**

This bill prohibits all part-time district court judges and district court clerks from practicing law in the district courts. Currently, special justices can represent clients in civil cases.

### **HB 94, relative to warrant articles. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The subject matter of this bill dealing with the default budget is similar to the subject matter contained in HB 85. The entire content of this bill will be discussed with HB 85-FN-L. Vote 15-0.

**HB 238**, relative to the constitutionality of the presumption of procedural validity of municipal legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: Currently if a municipal ordinance or legislative action has been in effect for five years that ordinance or action is considered to be procedurally valid. The change requested would require that the municipal ordinance or action not limit a United States constitutional challenge. After reviewing RSA 31:129 which states that a municipal ordinance or action does not eliminate any "claim of invalidity which is founded upon the substance of the municipal legislation" under "the federal and state constitutions and laws." The committee understood that the procedure could not be challenged after five years but the subject matter could be challenged at any time. Since the RSA 31:129 already states what the proposed change would require, the committee felt that this bill was unnecessary. Vote 18-0.

**HB 62-FN-A**, relative to the repair or replacement of a certain bridge over the Merrimack River between Canterbury and Boscawen and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works and Highways: The bridge between Canterbury and Boscawen was closed in 1965. Since that time, the populations have increased three-fold, placing a transportation burden on folks from Canterbury when they need to go to the county facilities, as well as the rescue squad from Boscawen that serves both communities. The committee sympathizes with the situation, but in this time of dwindling resources, we make the following suggestions: 1) work to get on the list for bridge aid; 2) work with the regional planning commission; 3) work with the various recreational users and office of OHRV; 4) think about getting a place on the 10-year plan. Vote 15-0.

**HB 118**, prohibiting the commemoration of groups who take up arms against United States policies. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee realizes that in the recent past, a difference of opinion occurred concerning the placement of a plaque. The current system brought this placement out to public debate. The committee felt that this bill would duplicate the efforts of the Governor and Council and other groups who already have the responsibility of determining what commemoration may be suitable on state property. There are existing processes that deal with commemoration on state properties. Vote 18-0.

**HB 75**, relative to timber harvesting. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Testimony indicated that costly delays in timber harvests were the result of a logger being unable to obtain a copy of the "Intent to Cut" form after it had been signed by the assessing officials. This was especially true in small towns with little staffing and part time office hours. The main thrust of HB 75 is to allow posting of a copy of the submitted intent, with notification information clearly printed thereon. This is a modification to section 79:10 which would allow operations to proceed without diminishing oversight by state and local officials. It also provides better notice to the public. A cross-reference in RSA section 227:J-5 (logging procedures) was added to notify loggers of the pertinent sections of 79:10. Other minor changes were made to clarify language in related parts of 79:10. Vote 19-0.

#### **Amendment (0039h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Timber Cutting; Land Ownership. Amend the section heading of RSA 79:3-a to read as follows:

79:3-a [~~Permit to Cut~~] *Land Ownership*.

2 Timber Cutting; Taxation. RSA 79:10, 1 is repealed and reenacted to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town or unincorporated place shall, within 30 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall immediately forward any signed intent to the commissioner of revenue administration and shall also supply a copy to the owner upon request. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

(c) The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

(d) Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification.

(e) Starting or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

(f) A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development.

### 3 Timber Cutting; Bond Required. Amend RSA 79:10-a, I and II to read as follows:

I. The assessing officials shall, within 30 days of the receipt of the notice of intent to cut pursuant to RSA 79:10, or within 15 days of written notification of a change in ownership from the owner pursuant to RSA 79:3-a, II, [~~shall~~] notify in writing the owner filing such notice of the amount and conditions of any bond or other security which they deem necessary to secure the payment of the yield tax due from the operation described in the notice of intent to cut.

II. No owner required to furnish bond or other security in accordance with RSA 79:3-a shall commence to cut or continue to cut until such owner has posted the bond or other security. No owner who owns land in the town where the owner intends to cut shall be required to post a bond or other security as a condition [~~for filing an intent to cut or receiving a permit~~] to cut, unless the owner is delinquent on town timber taxes or property taxes.

### 4 Timber Cutting; Enforcement. Amend RSA 79:28 to read as follows:

#### 79:28 Enforcement.

I. The department of revenue administration shall administer and enforce this chapter. The director of the division of forests and lands and his agents shall also have enforcement authority in regard to the proper filing and reporting of intents to cut, posting of [~~the certificate on the operation~~] *certificates and intents to cut*, and proper filing and reporting of the timber cut and shall otherwise assist in enforcement of this chapter as agreed upon by the commissioner of the department of revenue administration and the director, division of forests and lands. It is the intent of this section to authorize the commissioner of the department of revenue administration and the director, division of forests and lands, and their agents, to have enforcement authority and the right to stop any operation in violation of RSA 79 and report same to local authorities.

II. Officials responsible for the enforcement of this chapter may enter upon any lands for which [~~a permit to cut~~] *an intent to cut has been signed* or a certificate [~~to operate~~] has been issued pursuant to RSA 79 or may enter upon any lands that they believe may have an operation in violation of RSA 79. They also may review any records in conjunction with any timber operation in the state.

5 Timber Cutting; Notice of Intent to Cut. RSA 227-J:5 is repealed and reenacted to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a report of wood cut. Pursuant to RSA 79:10, I(d), the intent to cut form as signed or properly noted as being signed by the assessing officials or the certificate issued by the department of revenue administration shall be posted prior to starting a cutting operation. Failure to comply with these requirements and those contained in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under RSA 79.

6 Repeal. RSA 79:3-a, III, relative to notice of intent to cut timber, is repealed.

7 Effective Date. This act shall take effect January 1, 2004.

**HB 91**, extending the telecommunications planning and development initiative and advisory committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold for Science, Technology and Energy: This bill, as amended, extends the life of the Telecommunications Planning and Development Initiative and Advisory Committee to 2008, and requires biennial reporting of accomplishments and expenditures. Vote 11-1.

#### **Amendment (0053h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the telecommunications planning and development initiative and advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Telecommunications Planning and Development Initiative; Reporting Requirement. Amend RSA 12-A by inserting after section 49 the following new section:

12-A:50 Reporting Requirement. The director of economic development shall report on the accomplishments, efforts, and costs of the telecommunications planning and development initiative, including the work of the advisory committee. The reports shall be made available to the public and shall be submitted to the governor, the speaker of the house of representatives, the senate president, and the state library, on or before September 1 in the years 2004, 2006, and 2008.

2 Telecommunications Planning and Development Initiative and Advisory Committee; Prospective Repeal Date Amended. Amend 2000, 298:7, 1 to read as follows:

I. Section 6 of this act shall take effect ~~[July 1, 2004]~~ **July 1, 2008**.

3 Repeal. RSA 12-A:50, relative to the reporting requirement for the telecommunications planning development initiative, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2008.

II. The remainder of this act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill extends the telecommunications planning and development initiative and advisory committee to July 1, 2008. The bill also requires the director of economic development to file periodic reports on the telecommunications planning and development initiative.

**HB 189**, making daylight savings time permanent. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold for Science, Technology and Energy: Due to technical difficulties involved in instituting a different time schedule for daylight savings time, the sponsor asked, and the committee voted unanimously that the bill be inexpedient to legislate. Vote 17-0.

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee, once again, unanimously voted to call upon the President and Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. Vote 13-0.

**HB 76**, relative to neighborhood electric vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill establishes equipment and operation requirements for neighborhood electric vehicles. This bill allows these vehicles to be operated on a way where the posted speed limit is 35 miles per hour or less. These vehicles meet or exceed state and federal safety requirements in accordance with 49 C.F.R. Section 571.500. Vote 15-0.

**Amendment (0040h)**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 216**, relative to motorcycle inspection stickers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would create confusion for owner, inspection station operator and inspectors, and police officers. The committee felt that the current law is working well, and there was no need to create confusion. Vote 15-0.

**HB 163-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: The committee agreed that there were a variety of problems with this concept, especially the negative impacts on neighboring towns, lack of oversight, and informed voter consent. Revenue estimates vary widely, and past and present Attorneys General have opposed legalization of machine gambling for law enforcement reasons. Vote 18-0.

**HB 187-FN-A**, establishing a credit for employer-paid insurance premiums against the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Frank W. Davis for Ways and Means: The sponsor wrote to the committee chairman indicating that HB 187 was not what he intended despite three drafting attempts and that the fiscal note was "way, way off". The letter also stated that the co-sponsors agreed that the bill should be voted Inexpedient to Legislate. No one appeared to testify at the hearing. While the Ways & Means Committee felt that this was an important issue, they voted to support the sponsor's request to ITL HB 187. Vote 15-1.

**REGULAR CALENDAR****HB 171**, establishing a commission to assess the operating efficiency of state government. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill creates a 15-member commission to study the restructuring of New Hampshire government and develop recommendations to improve operating efficiencies. The commission will be made up of public and private sector individuals who will examine each executive agency, board and commission to access administrative efficiencies. The amendment to the bill changes the reporting dates to get the commission working immediately. Under the amendment, the commission will issue a preliminary report by July 1, 2003 and a final report by December 1, 2003. This represents a great opportunity for the legislative branch and executive branch to work together to identify areas of government improvement which will result in greater customer satisfaction at a potentially lower cost to taxpayers. Vote 19-0.

**Amendment (0031h)**

Amend subparagraph I(d) of section 2 of the bill by replacing it with the following:

(d) Fifteen representatives of the private or public sector community, 5 of whom shall be appointed by the governor, 5 of whom shall be appointed by the speaker of the house of representatives, and 5 of whom shall be appointed by the senate president.

Amend subparagraph II(d) of section 3 of the bill by replacing it with the following:

(d) Fourth, the commission shall present a preliminary list of issues and opportunities for restructuring state government organization in New Hampshire at a public hearing to be held no later than July 1, 2003, and to allow the commission to receive public comment regarding the purpose, objectives, scope, and conduct of this study.

Amend the bill by replacing section 4 with the following:

4 Chairperson. The first meeting of the commission shall be held within 30 days of the effective date of this act. The members of the commission shall elect a chairperson from among its members.

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. The commission shall report the final results of its study, including its findings, recommendations, and any proposed legislation, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library no later than December 1, 2003.

Adopted.

Rep. Splaine offered a floor amendment (0084h).

**Floor Amendment (0084h)**

Amend paragraph 1 of section 2 of the bill by replacing it with the following:

1. The commission shall consist of:

- (a) One member of the governor's office, appointed by the governor.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One member of the senate, appointed by the senate president.
- (d) Five members appointed by the governor, at least 2 of whom shall be non-management, non-supervisory, state employees.
- (e) Five non-legislative members, appointed by the speaker of the house of representatives, at least 2 of whom shall be non-management, non-supervisory, state employees.
- (f) Five non-legislative members, appointed by the senate president, at least 2 of whom shall be non-management, non-supervisory, state employees.
- (g) One academic in public administration from the state university system, appointed by the chancellor of the university system of New Hampshire.
- (h) One representative of a non-governmental organization that is dedicated to effective energy-conservation measures, appointed by the governor.
- (i) One representative of the State Employees' Association of New Hampshire, appointed by that organization.

Rep. Splaine spoke in favor and yielded to questions.

Reps. Peter Sullivan and Davidson spoke in favor.

Rep. O'Neil spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

**HB 138-FN**, relative to interpreters for the deaf in certain governmental or public proceedings.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This amended bill deals with the special needs of the hearing impaired who require translators or sign interpreters. The qualified interpreter in a legal setting will be able to interpret effectively, accurately, and impartially both receptively, and expressively, using any necessary specialized vocabulary including legal constructs. Qualified legal interpreters shall hold a specialized legal certificate awarded by the Registry of Interpreters for the Deaf or a level 5 Certification from the National Association of the Deaf, or shall hold certification from the Registry and successfully complete legal interpreter training. These interpreters will be included in proceedings involving criminal sanctions, forfeitures of property, interrogation, administration of the Miranda warnings, grand jury proceedings, arbitration or mediation services, depositions, probation or parole meetings or hearings, psychological evaluations, interests including communications related to medical attention during apprehension. This bill meets the requirements of the American with Disabilities Act and gives to law enforcement the resources it needs to protect the rights of the hearing impaired. Vote 12-3.

**Amendment (0026h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Interpreters for the Deaf and Hard of Hearing. RSA 521-A is repealed and reenacted to read as follows:

**CHAPTER 521-A****INTERPRETERS FOR THE DEAF AND HARD OF HEARING**

521-A:1 Purpose. The purpose of this chapter is to ensure that deaf and hard of hearing persons who are parties in interest and otherwise affected by proceedings or actions of entities covered under Title II for public entities and Title III for public accommodations of the Americans with Disabilities Act shall have available to them a qualified interpreter or auxiliary aids in accordance with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and RSA 354-A.

521-A:2 Definitions. In this chapter:

1. "Appointing authority" means:

- (a) A public entity as defined by Title II of the Americans with Disabilities Act which includes any state or local government, any department, agency, special purpose district, or instrumentality of a state or local government.

(b) A private entity defined by Title III of the Americans with Disabilities Act which includes places of public accommodation, commercial facilities and examinations and courses related to applications, licensing, certification, or credentialing for secondary or post secondary education, professional or trade purposes.

II. "Auxiliary Aid" means "auxiliary aid" as defined by the Americans with Disabilities Act, which includes: note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, telecommunication devices (TTY's), video text displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

III. "Board" means the board of licensure of interpreters for the deaf and hard of hearing established in RSA 326-I.

IV. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is visual.

V. "Hard-of-hearing person" means a person who has a hearing loss, who may or may not primarily use visual communication, and who may or may not use assistive devices.

VI. "Intermediary interpreter" means an interpreter who holds a certificate of Certified Deaf Interpreter or Reverse Skills from the Registry of Interpreters for the Deaf, or a person who has intimate acquaintance with a deaf person who mainly uses uncommon gestures for communicating and may be able to act as an interpreter between the deaf person and the qualified interpreter.

VII. "Principal party in interest" means all deaf or hard-of-hearing persons who under titles II and III of the Americans with Disabilities Act have a right to a qualified interpreter or auxiliary aids. "Principal party in interest" shall include the named party, a person in whom the decision or action directly affects, victims, jurors, parents, guardians, foster parents, or the individual who the principal party relies on for advice or decisions.

VIII. "Qualified interpreter" means a person licensed pursuant to RSA 326-I.

IX. "Qualified legal interpreter" means a qualified interpreter under the Americans with Disabilities Act who in a legal setting is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary including legal constructs. Qualified legal interpreters shall hold a specialized legal certificate awarded by the Registry of Interpreters for the Deaf or a level 5 certificate from the National Association of the Deaf, or shall hold certification from the Registry of Interpreters for the Deaf and successfully complete legal interpreter training. "Qualified legal interpreter" also includes a person granted an exemption under RSA 326-I:7, provided that the person discloses his or her lack of certification or legal training to the Title II or Title III entity.

521-A:3 Preliminary Determination. No qualified interpreter or qualified legal interpreter shall be appointed in any case until the appointing authority and the deaf person make a preliminary determination that the interpreter is able to accurately communicate both receptively and expressively for the parties involved. In the event that the interpreter is found unable to communicate effectively, another qualified interpreter or intermediary interpreter, or a non-licensed interpreter may be obtained, if the board grants a waiver under RSA 326-I:7.

521-A:4 Standards for Selecting Type of Interpreter or Auxiliary Aid. The appointing authority, when required under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or RSA 354-A, shall appoint:

I. A qualified interpreter for any situation which is not a legal or quasi-legal matter;

II. A qualified legal interpreter for all stages of all criminal, civil, and other adjudicatory proceedings, including criminal investigations which may lead to such proceedings;

III. An intermediary interpreter for situations cited in RSA 521-A:4, I or II in which these specialized services are required to effectuate communication with the deaf person; or

IV. Auxiliary aids.

521-A:5 Notice; Need for Interpreter or Auxiliary Aid. In situations which under the Americans with Disabilities Act require interpreters or auxiliary aids, the appointing authority shall provide such services upon request by the principal party in interest. This request does not have to be in writing.

521-A:6 Coordination of Interpreter and Auxiliary Aid Requests.

I. Whenever an appointing authority receives a request for the services of an interpreter or auxiliary aid, the authority can request the board to furnish the authority with a list of qualified interpreters. If the choice of a qualified interpreter does not meet the needs of the principal party in interest, the appointing authority shall appoint another licensed interpreter.



II. The New Hampshire Association of the Deaf and the New Hampshire Registry of Interpreters are authorized to assist the board to prepare and continually update, a listing of services.

521-A:7 Compensation. An interpreter or qualified legal interpreter appointed by an appointing authority who is a public entity as defined in RSA 521-A:2, 1(a) shall be reimbursed at a fixed rate reflecting the current approved fee schedule as established by the department of education, division of career technology and adult learning. Nothing in this section shall be construed to prevent any such appointing authority from employing an interpreter on a full-time basis or at a mutually agreed upon compensation rate. Compensation paid by such appointing authorities shall be negotiated by the entity and the interpreter.

521-A:8 Privileged Communications. An interpreter who is employed to interpret or transliterate between a person who can hear and a principal party in interest may not be compelled to disclose, through reporting, testimony or by subpoena, the contents of the communication, unless consent was granted by the principal party in interest.

521-A:9 Penalties. A person who violates any provisions of this chapter or who knowingly discloses a privileged communication in violation of RSA 521-A:8, shall be guilty of a violation. Upon conviction of a second or subsequent violation under this chapter a person shall be guilty of a class A misdemeanor and may, in addition, be subject to a civil penalty of up to \$2000 per offense or, in the case of a continuing offense, \$250 for each day the violation continues.

521-A:10 Interpreter or Auxiliary Aid to be Provided. Whenever a principal party in interest is receiving services from an appointing authority that is required under the Americans with Disabilities Act to provide interpreters or auxiliary aids, and the principal party in interest requests an interpreter or auxiliary aid, one shall be provided. Cost for the provision of services shall not be assessed to the deaf or hard-of-hearing person.

521-A:11 Interpreter Required in Civil or Criminal Matters.

I. Any appointing authority involved in the provision of legal services or court-related services shall comply with the Americans with Disabilities Act. A qualified legal interpreter or auxiliary aid shall be provided when requested by the principal party in interest. This includes proceedings of preliminary proceedings involving criminal sanctions or confinements, forfeiture of property, interrogation, administration of the Miranda warnings, grand jury proceedings, arbitration or mediation services, depositions, probation or parole meetings or hearings, psychological evaluation, interests including communication related to needed medical attention during apprehension. Whenever a deaf person is arrested for any reason when the penalty may include imprisonment or a fine in excess of \$100 no attempt to interrogate shall be permitted until a qualified interpreter is appointed for said person and then only through the use of such interpreter.

II. No statement, written or oral, made by a deaf or hard of hearing person, in reply to a question by a police officer, sheriff, or other law enforcement personnel having prosecutorial function in any criminal or quasi-criminal proceeding may be used against that person unless the statement was made or elicited through a qualified legal interpreter and was made knowingly, voluntarily, and intelligently, or unless the court finds that effective communication otherwise occurred between the deaf person and law enforcement personnel, the statement was made knowingly, voluntarily, and intelligently. In no event shall the failure of a deaf or hard of hearing person to request an interpreter be deemed a waiver of the appointment of an interpreter. A deaf or hard of hearing person may knowingly, voluntarily, and intelligently waive, in writing, the appointment of a qualified legal interpreter. Such waiver is subject to the written approval of counsel where the deaf or hard of hearing person is being represented by counsel.

521-A:12 Oath of Interpreter. Every interpreter appointed pursuant to the provisions of this chapter, before entering upon his or her duties in any legal or quasi-legal setting, shall take oath that he or she will to his or her best skill and judgment make a true interpretation to the deaf person in a language that the deaf person understands, all spoken language and, if necessary, any written material presented during each stage of the proceeding and of the deaf person's communication to others during each stage of the proceeding, whether or not the deaf person is the principal party in interest, provided that in case for an interpreter appointed for a juror, the interpreter shall also take an oath that he or she will not:

I. Participate in any manner in the deliberations of the jury;

II. Communicate with any member of the jury regarding the deliberation of the jury, except a literal translation of a juror's remarks made during deliberations; or

### III. Disclose any of the deliberations with any person.

**521-A:13 Visual Recordings; Court Proceedings.** On the court's motion, or the motion of a party, the court may order testimony of a party and the interpretation of that testimony by the interpreter be visually and electronically recorded for use in verification of the transcription of the reporter's notes or accuracy of the interpretation. The clerk of the court shall include that recording in the appellate record if requested by a party.

**521-A:14 Interpreter Positioning.** No court proceedings or testimony shall commence until the qualified legal interpreter is in full view and specially situated to assure proper communication with the participating individual who is deaf or hard of hearing.

**2 Effective Date.** This act shall take effect January 1, 2004.

Adopted.

Report adopted and referred to Criminal Justice and Public Safety.

**HB 240**, establishing a committee to study ways to prevent suicide among young people in New Hampshire. **OUGHT TO PASS**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The committee heard much supportive testimony on the need to continue work in the field of prevention of youth suicide. Very profound testimony was given by a youth deeply involved with the problem. The committee would be charged collecting and reviewing pertinent information; develop and enhance state programs, and research federal and private grants to augment the programs. After discussion, which included the possible best structure to address the issue, the committee voted – OTP. Vote 13-2.

Adopted and ordered to third reading.

**HB 125**, relative to customer information of municipal utilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Robert H. Rowe for the Majority of Judiciary: Many municipalities have municipal water and sewer systems. A few municipalities have a municipal electric system. These municipal utilities are covered under the Right-to-Know Law (RSA 91A). To date there have been no complaints that the committee has heard as to abuses to the Right-to-Know Law as to municipal water, sewer and electric systems. The committee felt that the public's right to know is such an important element in free government that changes in the law were unwarranted. Vote 10-3.

Rep. Gregory M. Sorg for the Minority of Judiciary: We believe that this bill, with certain modifications as to form, should be recommended "ought to pass." Information of municipally owned utilities concerning use by ultimate consumers, whose protection from disclosure under RSA 91-A is sought by this bill, is not relevant to the management, conduct or regulation of the utility. The features that the exemptions from the Right-to-Know Law found in 91-A: 5 have in common are that the disclosures concerned reach individual activity and invade individual privacy on matters for which there is no countervailing or offsetting public benefit to be derived from having the information available to other individuals. The subject matter of this bill differs materially from that of the real estate tax assessment, levy and collection process where the constitutional requirement of proportionality creates a direct connection among, and consequently a public interest in disclosure of, the figures for every individual specifically identifiable to each.

Reps. Hatch and Rice spoke against.

Rep. Mock spoke in favor and yielded to questions.

The question now being adoption of the majority committee report.

On a division vote, 305 members having voted in the affirmative and 61 in the negative, the majority report was adopted.

**HB 63-FN**, exempting OHRVs used solely for ice fishing on public bodies of water from registration requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would exempt ice fishermen's Off Highway Recreational Vehicles from registration requirements if their machines are used exclusively for ice fishing. Testimony showed that more than 80% of snowmobile registration fees go to fund trail grooming and maintenance. Since these ice fishermen do not use groomed trails, the sponsor felt they deserve a break on the fees. The committee sympathizes with this concern and plans to use HB 143 to address these and other concerns regarding snowmobile registration fees. Therefore, this bill is not necessary. Vote 19-0.

Adopted.

**BILLS REMOVED FROM CONSENT CALENDAR**

**HB 89**, establishing a committee to study airport security staffing. **INEXPEDIENT TO LEGISLATE**  
 Rep. George Winchell for Criminal Justice and Public Safety: The intent of this bill is to establish a committee to study security staffing at all airports in New Hampshire. The committee received no testimony indicating that a problem currently exists with the present system statewide. Testimony was received suggesting a new multi-jurisdictional police agency, with overlapping and competing jurisdictions, would create unintended consequences. Vote 18-0.  
 Adopted.

**HB 57**, relative to the use of inhalers by pupils and campers with asthma. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: It is estimated that 5.3 million children in America have asthma. In NH 76,000 people are at risk and the numbers have been growing at an alarming rate. Asthma is the most common cause of missed schools days. Although there is no known cause, there is a treatment that works and most often that treatment is the use of an inhaler prescribed by the patient's physician. What we have learned is that if an asthma sufferer has an asthmatic episode, many need the use of their prescribed inhaler as quickly as possible to enable them to breath properly. Any major delay in the use of the inhaler could put the child at mortal risk. Current administrative rules in NH require medications be dropped off at the nurses office in schools and camp offices. Dropping off this medication can put every asthmatic child at risk. This bill, with the signed approval of a physician and parent; allows the student or camper to possess and self administer their medication as instructed and trained by the physician and parent. Support for this bill comes from Dartmouth's primary pediatrician, Center for Disease Control in Atlanta, N.H. Medical Society, National Allergy and Asthma Network, N. H. Lung Assn., etc. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill. Vote 18 - 0 .

**Amendment (0025h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Education; Health and Sanitation; Use of Asthma Medications by Pupils.  
 Amend RSA 200 by inserting after section 41 the following new subdivision:  
 Use of Asthma Medications by Pupils.

200:42 Possession and Self-Administration of Asthma Inhalers Permitted. A pupil may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

- (a) The pupil's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent, guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications and adverse reactions to be observed.
- (i) At least one emergency telephone number for contacting the parent or guardian.
- (j) The name of each required medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an asthma inhaler in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the inhaler at school or at any school sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:43 Immunity. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee prohibiting a pupil from using an inhaler because of the employee's good faith belief that the conditions of RSA 200:42 had not been satisfied. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee permitting a pupil to use an inhaler because of the employee's good faith belief that the conditions of RSA 200:42 had been satisfied. Furthermore, if a school district permits a pupil to possess and use an inhaler pursuant to this subdivision, the school district, any member of the school district board of education, or any school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a pupil for whom it was not prescribed.

2 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the following new sections:

485-A:25-b Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent, guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, physician includes any physician or health practitioner with the authority to write prescriptions.

485-A:25-c Immunity. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee prohibiting a child from using an inhaler because of the employee's good faith belief that the conditions of RSA 485-A:25-b had not been satisfied. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee permitting a child to use an inhaler because of the employee's good faith belief that the conditions of RSA 485-A:25-b had been satisfied. Furthermore, if a recreational camp permits a child to possess and use an inhaler pursuant to this subdivision, the recreational camp or any camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a child for whom it was not prescribed.

3 Effective Date. This act shall take effect August 15, 2003.

Adopted.

Rep. Mock offered a floor amendment (0087h).

**Floor Amendment (0087h)**

Amend RSA 200:43 as inserted by section 1 of the bill by replacing it with the following:

200:43 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an inhaler if the provisions of RSA 200:42 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a pupil.

Amend RSA 485-A:25-c as inserted by section 2 of the bill by replacing it with the following:

485-A:25-c Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

Reps. Mock, Soltani and Batula spoke in favor.

Floor amendment adopted.

Report adopted and ordered to third reading.

**HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: People with life threatening allergies are aware that the consequences of anaphylaxis have been heightened by increasing reports of death in the U.S. Symptoms usually are difficulty breathing; a sudden drop of blood pressure or shock etc., all of which are potentially fatal if not immediately treated through the use of an auto-injector. Allergies can be triggered by food, insect stings, etc. and come on suddenly. Time of treatment is key. Any delay puts the person at risk. Under current administrative rules the auto-injector must be dropped off by students or campers at the designated schools or camp nurses office (or designed place), leaving the student at considerable risk at getting the treatment on time during an attack. This bill allows the student or camper to possess and self-administer the needed medication as instructed by a physician and parent. Instructions and approval to possess and self-administer are verified by the signatures of the physician and parent. This bill is supported by the pediatric unit at Dartmouth, NH Medical Society, Center for Disease Control in Atlanta. There was no negative testimony but lots of professional support. The bill simply puts the physician and parent back in charge. The amendment simply eliminates several minor unnecessary steps in the bill that does not change the intent or the character of the original bill. Vote 18 - 0 .

**Amendment (0022h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Education; Health and Sanitation; Pupil Use of Epinephrine Auto-Injectors. Amend RSA 200 by inserting after section 41 the following new subdivision:  
Pupil Use of Epinephrine Auto-Injectors.

200:42 Possession and Use of Epinephrine Auto-Injectors Permitted. A pupil with severe, potentially life-threatening allergies may possess and self-administer an epinephrine auto-injector if the following conditions are satisfied:

1. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

- (a) The pupil's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another pupil, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an epinephrine auto-injector in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the epinephrine auto-injector at school or at any school-sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:43 Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-injector during the school day, the pupil shall report to the nurse's office or principal's office to enable the nurse or another school employee to provide appropriate follow-up care.

200:44 Availability of Epinephrine Auto-Injector. The school nurse or, if a school nurse is not assigned to the school building, the school principal shall maintain for pupil use at least one epinephrine auto-injector, provided by the pupil, in the nurse's office or in a similarly accessible location.

200:45 Immunity. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee prohibiting a pupil from using an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 200:42 had not been satisfied. A school district, member of a school district board of education, or school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee permitting a pupil to use an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 200:42 had been satisfied. Furthermore, if a school district permits a pupil to possess and use an epinephrine auto-injector pursuant to this subdivision, the school district, any member of the school district board of education, or any school district employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the epinephrine auto-injector by a pupil for whom it was not prescribed.

2 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the following new sections:

485-A:25-b Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. A recreation camp shall permit a child with severe, potentially life-threatening allergies to possess and use an epinephrine auto-injector, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

(a) The child's name.

(b) The name and signature of the licensed prescriber and business and emergency numbers.

(c) The name, route, and dosage of medication.

(d) The frequency and time of medication administration or assistance.

(e) The date of the order.

(f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

(g) Specific recommendations for administration.

(h) Any special side effects, contraindications, and adverse reactions to be observed.

(i) The name of each required medication.

(j) Any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an epinephrine auto-injector in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

V. In this section, "physician" means any physician or health practitioner with the authority to write prescriptions.

485-A:25-c Use of Epinephrine Auto-Injector. Immediately after using the epinephrine auto-injector, the child shall report such use to the nurse or another camp employee to enable the nurse or camp employee to provide appropriate follow-up care.

485-A:25-d Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse is not assigned to the camp, the recreational camp administrator shall maintain for the use of children with severe allergies at least one epinephrine auto-injector, provided by the child, in the nurse's office or in a similarly accessible location.

485-A:25-e Immunity. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee prohibiting a child from using an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 485-A:25-b had not been satisfied. A recreational camp or camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a camp employee permitting a child to use an epinephrine auto-injector because of the employee's good faith belief that the conditions of RSA 485-A:25-b had been satisfied. Furthermore, if a recreational camp permits a child to possess and use an epinephrine auto-injector pursuant to this subdivision, the recreational camp or any camp employee shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the epinephrine auto-injector by a child for whom it was not prescribed.

3 Effective Date. This act shall take effect August 15, 2003.

Adopted.

Rep. Mock offered a floor amendment (0086h).

#### **Floor Amendment (0086h)**

Amend RSA 200:45 as inserted by section 1 of the bill by replacing it with the following:

200:45 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an epinephrine auto-injector if the provisions of RSA 200:42 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a pupil.

Amend RSA 485-A:25-e as inserted by section 2 of the bill by replacing it with the following:

485-A:25-e Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a child.

Reps. Mock and Batula spoke in favor.

Floor amendment adopted.

Report adopted and ordered to third reading.

#### **HB 59, relative to court reporting. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill is the result of a joint house and senate study established in HB 447 from last year's session- the intent being to investigate certifying both methods of court transcriptions, machine writing and voice writing, as certified court reporters. The committee met in several long sessions and worked out several compromises. Consequently, both voice and machine writers are certifiable under this bill. Every certified court reporter under this chapter shall have a seal containing the name of the certified court reporter, his or her place of business, and the words "Certified Court Reporter, State of New Hampshire" with which he or she shall stamp all transcripts prepared by him or her or under his or her supervision for use in this state. Certified court reporter's seals shall indicate the reporting method utilized as defined in this bill. The amendment grandfathered all reporters provided that "he or she has been actively and continuously engaged in the practice of verbatim reporting in the state at least two years prior to July 1, 2003". Vote 16-0.

#### **Amendment (0030h)**

Amend RSA 331-B:10 as inserted by section 1 of the bill by replacing it with the following:

331-B:10 Savings Clause. Any United States citizen 18 years of age and older, who is of good moral character and who submits to the board an affidavit, under oath, on or before September 1, 2003 that he or she has been actively and continuously engaged in the practice of voice reporting in the state at least 2 years prior to July 1, 2003 shall, upon payment of the fee required, be exempt

from taking any examination prescribed in this chapter and shall be granted a certificate; provided he or she demonstrates certification by the National Verbatim Reporters Association or a state with similar minimum requirements. Any person holding a valid certificate issued under this chapter as of July 1, 2003 shall be exempt from taking any examination prescribed in this chapter and shall continue to hold his or her certificate as a court reporter.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2003 at 12:01 a.m.

Adopted.

Rep. Soltani spoke against and yielded to questions.

Rep. Mock spoke in favor.

Report adopted and ordered to third reading.

## **HB 182, relative to unclaimed shares and advancements to heirs. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill changes the requirement now in the probate law by raising the threshold amount of unclaimed shares in an estate from \$50 to \$5,000 which must be turned over to the state rather than being distributed to the other beneficiaries of the will. The bill also clarifies those conditions under which a gift to an heir should be considered an advance against the bequest. Vote 16-0.

### **Amendment (0048h)**

Amend RSA 561:13, I as inserted by section 2 of the bill by replacing it with the following:

I. If an individual dies intestate as to all or a portion of the individual's estate, property the decedent gave during lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if:

(a) The decedent declared in a contemporaneous writing that the gift was an advancement; or

(b) The heir acknowledged in writing prior to the decedent's date of death that the gift was an advancement; or

(c) The decedent's contemporaneous writing otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate; or

(d) The heir's written acknowledgement prior to the decedent's death indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.

Rep. John Pratt spoke to the committee report.

Amendment adopted.

Report adopted and ordered to third reading.

## **RESOLUTION**

Rep. Hess offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 6, 2003 at 10:00 a.m.

Adopted.

## **LATE SESSION**

### **Third reading and final passage**

**HB 160**, relative to removal or replacement of trustees.

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information.

**HB 86**, relative to the membership of the permissible fireworks review committee.

**HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision.

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services.

**HB 69**, relative to the reinstatement of expired licenses for architects.



**HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders.

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties.

**HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

**HB 183**, relative to a distribution from a decedent's estate to a minor.

**HB 186**, relative to the effect of divorce or annulment upon trusts.

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

**HB 75**, relative to timber harvesting.

**HB 91**, relative to the telecommunications planning and development initiative and advisory committee.

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

**HB 76**, relative to neighborhood electric vehicles.

**HB 171**, establishing a commission to assess the operating efficiency of state government.

**HB 240**, establishing a committee to study ways to prevent suicide among young people in New Hampshire.

**HB 57**, relative to the use of inhalers by pupils and campers with asthma.

**HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies.

**HB 59**, relative to court reporting.

**HB 182**, relative to unclaimed shares and advancements to heirs.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 12:15 p.m.

### RECESS

(Speaker Chandler in the Chair)

### COMMITTEE ASSIGNMENT

Rep. Vaillancourt off Ways and Means.

### RECESS

(Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Thursday, February 6, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Eternal Creator, strong to save, we remember today the courageous astronauts of the Columbia space shuttle who bravely ventured into earth's orbit to study the wonders of Your creation and who, moments before being reunited with their loved ones, lost their lives returning home. Receive each into larger life and comfort their families and friends who mourn.

Remind each of us that the hero's journey is measured by the service we render to increase knowledge, freedom and prosperity to all who are blessed to live upon our fragile earth. May we never take Your blessings for granted and may we never forget those who give their lives in our service. Bless the work of this honorable House and may the decisions made here today be worthy of Your call to each member to serve those who entrust them with the authority of governing a free people. As always, we especially ask Your protective blessing to be with those who serve in the armed forces, police and fire service and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Rep. Peter C. Cote led the Pledge of Allegiance.

The National Anthem was sung by Rachael Lang, a senior at Newmarket High School.

### LEAVES OF ABSENCE

Reps. Mary Allen, Allison, Elizabeth Blanchard, Colcord, David Cote, Donovan and Webber, the day, illness.

Reps. Gonzalez, Introne, McCann, Osborne, Ouellette, Priestley, Reardon and Williams, the day, important business.

Reps. Casey, Guay and Langer, the day, illness in the family.

### INTRODUCTION OF GUESTS

Stan Heckathorn, Jim Borsari and Phil Grisafi, guests of Rep. Mark Carter. Tammy and Rick Lang, parents of Rachael Lang, Anthony Palardis and Lynn Hoffman, guests of Rep. Pantelakos. Kerry Marsh, guest of Rep. Laurent. Carol Grandfield, guest of the Derry delegation.

### COMMUNICATION

February 5, 2003

Karen O. Wadsworth, Clerk of the House:

The following representative-elect was sworn into office by the Governor and Executive Council on this day:

District 22 (Claremont Wards 1-3, Lempster, Unity)

David C. Allison, d&r, Claremont (RR2 Box 889, Cornish) 03745

Karen Ladd, Assistant Secretary of State

### WITHOUT OBJECTION

Without objection, the Speaker ordered the Memorial Reading by Rep. Hess and the Joint Declaration read by Rep. Rausch to be printed in the Permanent Journal.

Rep. Hess read *High Flight*, a poem written in 1941 during World War II by Pilot Officer John Gillespie Magee, Jr.

#### High Flight

Oh! I have slipped the surly bonds of Earth  
And danced the skies on laughter-silvered wings,  
Sunward I've climbed and joined the tumbling mirth  
Of sun-split clouds – and done a hundred things  
You have not dreamed of – wheeled and soared and swung

High in the sunlit silence. Hov'ring there,  
 I've chased the shouting wind along, and flung  
 My eager craft through footless halls of air.  
 Up, up the long, delirious burning blue  
 I've topped the wind-swept heights with easy grace  
 Where never lark, or even eagle flew.  
 And, while silent, lifting mind I've trod  
 The high untrespassed sanctity of space,  
 Put out my hand, and touched the face of God.

Rep. Rausch read the Joint Declaration by the House of Representatives and the Senate honoring those astronauts aboard Space Shuttle Columbia.

### JOINT DECLARATION

In Honor of the Fallen Heroes of the Space Shuttle Columbia

*WHEREAS*, the citizens of New Hampshire and the entire country mourn the passing of the courageous men and women of the Space Shuttle Columbia including: Colonel Rick D. Husband, Commander William C. McCool, Lieutenant Colonel Michael P. Anderson, Captain David M. Brown, Dr. Kalpana Chawla, Commander Laurel Clark, and Colonel Ilan Ramon of the Israeli Air Force; and *WHEREAS*, the passing of these dedicated scientific space travelers sadly reminds the citizens of New Hampshire of the tragic loss of Concord High School teacher, Christa McAuliffe, and her fellow crew members aboard the Space Shuttle Challenger, seventeen years ago; and *WHEREAS*, we send our sincere sympathies to the families of the fallen seven of the Space Shuttle Columbia, and wish them Godspeed; and *WHEREAS*, we honor the selfless dedication and passion exhibited by the crew of the Space Shuttle Columbia as they put their lives in harms way to discover new and critical scientific information which will advance and better the lives of all citizens; and *WHEREAS*, we pause to honor and recognize the tremendous contributions of those who serve our country as space explorers of the vast celestial frontier, and *WHEREAS*, we offer our heartfelt thanks to them for their service to our country and for the ultimate sacrifice of their lives, now therefore be it *DECLARED*, by the New Hampshire General Court, that this legislative body hereby recognizes and honors the contributions and achievements of the crew of the Space Shuttle Columbia and of all the courageous men and women who have sacrificed their lives in pursuit of the scientific exploration of outer space for the betterment of mankind.

Unanimously endorsed by a rising moment of silent prayer.

### RESOLUTION

Rep. Hess offered the following: *RESOLVED*, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 14, 17, 24, 26 and 32 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.  
 Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

*SB 14*, relative to vacancies in county offices. (Municipal and County Government)

*SB 17*, relative to incompatible offices. (Election Law)

*SB 24*, relative to license revocations for DWI offenders under the age of 21. (Criminal Justice and Public Safety)

*SB 26*, removing the penalty against teachers who fail to keep registers. (Education)

*SB 32*, relative to municipal budget recommendations. (Municipal and County Government)

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 221-FN**, prohibiting the courts from charging fees, removed by Rep. Marple.

Consent Calendar adopted.

**HB 180**, relative to proceedings for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Children and Family Law: This bill provides that a subsequent hearing in a "termination of parental rights" proceeding will carry over the findings regarding grounds for termination, hearing only new evidence on the "best interests of the child". The amendment provides for a full evidentiary hearing if there has been a subsequent change in circumstances. Vote 18-0.

**Amendment (0103h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Termination of Parental Rights; Decree; Proceedings in Which Termination of the Parent-Child Relationship Is Not in the Best Interest of the Child. Amend RSA 170-C:11 by inserting after paragraph III the following new paragraph:

III-a. If the court finds grounds for the termination of the parent-child relationship but determines that termination of the parent-child relationship is not in the child's best interest, the court order shall so state. In a subsequent proceeding for termination of the same parent-child relationship commenced within 2 years of the court order, the prior finding that grounds for termination of the parent-child relationship exist shall be conclusive, absent a substantial change in circumstances. At the initial hearing in a subsequent proceeding, the court shall accept offers of proof to substantiate a substantial change in circumstances. If, in the court's sound discretion, a substantial change in circumstances exists, the prior court order finding grounds for termination of the parent-child relationship shall not be conclusive, and the court shall proceed with a full evidentiary hearing on the matter. If the court does not find a substantial change in circumstances, the court's inquiry in the second proceeding shall be limited to a determination of whether termination of the parent-child relationship is in the child's best interest.

**AMENDED ANALYSIS**

This bill declares that, in cases where the court finds grounds for termination of the parent-child relationship but determines termination is not in the child's best interest, the court order denying the request shall specifically state this finding.

The bill also declares that, if a second petition to terminate parental rights is brought within the next 2 years and there has been no substantial change in circumstances, the original finding that grounds for termination exist shall be conclusive, and the hearing shall be limited to whether termination of the parent-child relationship is in the child's best interest.

**HB 204**, relative to venue in juvenile proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill, requested by the department of justice, enables the state to prosecute a juvenile in the location where the crime is alleged to have occurred in the event that the juvenile neither lives nor was found in New Hampshire. The amendment simply clarifies the intent of the bill. Vote 17-0.

**Amendment (0088h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquent Children; Venue. Amend RSA 169-B:5, 1 to read as follows:

1. Proceedings under this chapter may be originated in any judicial district in which the minor is found or resides, *or where the offense is alleged to have occurred.*

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill provides that juvenile proceedings may be initiated in any judicial district where the offense is alleged to have occurred.

This bill was requested by the department of justice.

**HB 168**, relative to access to public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee unanimously felt that ITL was appropriate for this bill because it was vague and appeared to be a local problem. In the end the committee felt it was a "solution looking for a problem." Vote 15-0.

**HB 252**, prohibiting schools from issuing out-of-school suspensions and establishing a committee to study the development of a community/school services program for suspended pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Education: This bill prohibited public schools from issuing out-of-school suspensions. The committee maintained this issue would best be served by superintendents of schools and local districts. The bill also proposed to establish a committee to study the development of a community/school services program for suspended students. The committee opted to refer this issue to a HB 139 subcommittee dealing with school attendance and dropouts. Vote 17-0.

**HB 98-FN**, relative to fees for state election recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Election Law: This bill would have increased the fee schedule for state election recounts. However, the proposed increases were minimal, would not have substantially reduced costs to the state and may have been a deterrent to some candidates who legitimately want a recount. Therefore, the committee unanimously voted the bill Inexpedient to Legislate. Vote 13-0.

**HB 101**, relative to qualifications for state offices. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Election Law: This bill places in statute the constitutional requirements for holding the offices of governor, executive counselor, state senator and state representative. The committee unanimously believes that HB 101 clarifies these constitutional provisions. Vote 14-0.

**HB 126**, relative to posting statutes at polling places. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew L. Dorsett for Election Law: This bill clarifies which laws must be posted at polling places and the amendment gives the secretary of state the discretion to require posting of additional relevant statutes. Vote 14-0.

**Amendment (0024h)**

Amend the bill by replacing section 1 with the following:

1 Election Day Morning Procedures; Statutes Posted. Amend RSA 658:29 to read as follows:  
658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place: RSA 654:7-a, RSA 654:7-b, RSA 654:38, [39] RSA 654:39; RSA 658:29; RSA 659:27, [30, 31, 32, +03] RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:103; [RSA 665:15;] RSA 666:4, [5-8, 9, +0, +1, +2] RSA 666:5, RSA 666:8, RSA 666:12. *In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.*

**AMENDED ANALYSIS**

This bill modifies and corrects references to the statutes that must be posted outside the guardrail in the polling place. This bill also authorizes the secretary of state to include additional statutes and regulations for posting.

**HB 251**, relative to party affiliation and voting in primary elections. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: This bill would in effect eliminate the ability of undeclared voters to vote in primary elections. In order to vote in either the Republican or Democratic Party primary, a voter would have to be registered in that party. It sets a deadline of thirty (30) days prior to the primary for an undeclared voter to change to one of the two parties and thus be eligible to participate in the primary. According to some surveys, upwards of 22% of the voters in last September's primary were undeclared. One of the goals of the Election Law Committee is to encourage increased voter participation. This bill flies in the face of that goal in that it would disenfranchise tens of thousands of voters. While sympathetic with the sponsor's contention that primaries should be only for party members, there is little, if any, evidence that voters actually engage in sabotaging the other party. There is a further problem in that this process could not be mandated for federal elections. Thus, passage would mean that town and city clerks would be forced to maintain two separate checklists, one for state and one for federal elections. The committee is convinced that the process for same-day registration and the ability of undeclareds to vote in either primary is working well. Vote 15-0.

**HB 52-FN**, relative to the licensure of shampoo assistants by the board of barbering, cosmetology, and esthetics. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The problem that triggered this bill was confusion by the "Board of Barbering, Cosmetology and Esthetics" in the interpretation of their rules as well as concerns of conflict between the RSA's and rules. The committee found that the current statute and rules are very clear with regard to the employment of shampooing assistants and when enforced as written, there is no problem. Therefore, this legislation is not necessary. Vote 13-0.

**HB 88**, relative to bond requirements for building contractors. **INEXPEDIENT TO LEGISLATE**  
Rep. Albert W. Hamel for Executive Departments and Administration: This bill was deemed to be inexpedient to legislate as it would place an undue burden on the office of the secretary of state. Also, it would be prejudicial to the large number of small contractors who might have difficulty obtaining bonding for several small jobs. Vote 17-0.

**HB 147**, establishing a committee to study the expungement of records. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: This bill was to establish a committee to determine a remedy for expunging any error in the records pertaining to part 2, article 73-a of the New Hampshire Constitution. Article 73-a was passed in 1978 and came out of a Constitutional Convention. The words "the rules so promulgated shall have the force and effect of law" has been debated over the years. The house and senate in last session passed the constitutional amendment to address this controversy. In the November 2002, election the amendment failed by 63% to 37%. A similar amendment to article 73-a has been introduced and will be taken up by the House Judiciary Committee. Therefore, the committee felt this bill was not necessary. Vote 17-0

**HB 229-FN**, relative to increasing the contribution amount of call, substitute, or volunteer firefighters eligible for certain disability benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill was introduced to provide additional benefits to call and volunteer firefighters. However, as written, it doubles the cost of the contribution without added benefits. Therefore, the committee felt this bill was unnecessary. Vote 14-0.

**HB 293**, establishing a commission to identify medical errors and their causes. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: It is said that to err is human. Most times we apologize, correct the error and get on with life. Unfortunately when medical errors occur, and they do by the thousands, the consequences can be of a far more serious nature. The fact is that more people in America die from medical errors than from highway accidents, breast cancer or AIDS. It is best estimated that between 50,000 and 98,000 die due to medical errors. Mistakes come from surgery, drug to drug interactions, duplicate drug therapy, administrative errors, wrong site surgery etc. The cost for medical errors in America is estimated to be \$17 to \$20 billion. Mistakes in medical care must be addressed and this commission will be expected to make recommendations for safety, protocols that enhance our efforts to find ways that will focus on a solution to the problem of medical errors. Vote 19-0.

**HB 314**, establishing a committee to study the feasibility of buying pharmaceuticals on a statewide or regional basis. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee agreed with the sponsor of the bill that it is an important subject worthy of study. Testimony revealed that a number of legislative and professional committees are already extensively studying the issue, and therefore felt that another committee is not needed. Vote 19-0.

**HB 219**, relative to the assignment of judges to hear cases in the superior, district, and probate courts. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy M. Ford for Judiciary: This bill would allow probate judges and district court judges to hear cases in superior or probate courts. The Committee felt that the judges confirmed by the Governor and Council are selected for their special expertise in the courts to which they are assigned and it would not be good practice to have judges serve in specialized areas in which they do not have the experience or advanced expertise. Vote 14-0.

**HB 144**, establishing a procedure for the adoption of contracts in certain schools. **INEXPEDIENT TO LEGISLATE**

Rep. Dudley D. Dumaine for Municipal and County Government: This bill requires that the adoption of contracts with schools shall be made by a warrant article approved at an annual or special meeting of each school district which is a party to the contract, provided that the article is inserted in the warrant at least one year prior to the proposed attendance of any students. Testimony was received that implementation of this bill would not allow the school districts to engage in contracts in a timely manner, possibly preventing special students from gaining the necessary education. RSA 194:22 is a catch-all vehicle for emergency contracts for the school districts. The bill would lead to unnecessary interruption of school programs. For there was further evidence that this was a local issue that needed to be addressed at the local level. The Committee therefore recommended this bill to be reported out as Inexpedient to Legislate. Vote 14-0.

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments. **OUGHT TO PASS**

Rep. Peter B. Schmidt for Municipal and County Government: The authority of the county delegation to review county executive departments has only been allowed through the budget process when the requests for their finances has come to the Delegation. This legislation would grant the County Convention the power "to provide payment for a performance audit" under specific requirements. The cost of the performance audit will be paid from a contingency fund appropriated by the County Convention. The performance audit will be directed by the County Convention and the performance audit reports will be made public record upon approval of the County Convention. The committee believes performance audits provide a useful tool to improve the efficiency and cost effectiveness of county government. Vote 17-0.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: At the present time, membership of the assessing standards board consists of state representatives, senators, assessors and public members. There are no municipal officers on the board. This bill enlarges the committee from 13 to 18 members. The additional five members will be municipal officials. These appointments will give municipal officials from the cities and towns a voice on the board. The board is required to hold a series of three public forums annually throughout the state. Presently, a quorum of the members is required before testimony can be received at the forums. This bill allows the testimony to be received and shared with the other board members at a later date. Vote 20-0.

**HB 136-FN**, relative to regional electronic toll collection. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill would require the Commissioner of Transportation to credit interest earned on the money held in E-Z Pass toll accounts to the account holder when the E-Z Pass system is completed and activated. With the E-Z Pass system, individuals deposit funds in an account and receive an electronic transponder to transit the toll gate and the account will be charged. To require the New Hampshire Department of Transportation to compute and record interest and maintain accounts will create a burden that will increase costs and reduce benefits of the E-Z Pass system. It was indicated in testimony that residents of other states may elect to buy the E-Z Pass here to collect interest, since other states do not pay interest. Vote 15-0.

**HB 137-FN**, relative to discounted tolls under the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE**

Rep. Edmond D. Gionet for Public Works and Highways: Because the Governor and Council have the responsibility of setting tolls in New Hampshire, the committee did not feel that we should micromanage that process. Legislation already exists allowing for discounts. The committee felt that it was irresponsible to mandate a specific discount. Vote 15-0.

**HB 67**, relative to funding for energy efficiency programs. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hatch for Science, Technology and Energy: The bill requires funds allocated from the system benefits charge for the Public Service Company of New Hampshire energy efficiency program be placed in a revolving loan fund to provide loans to ratepayers for energy-efficiency projects and products. This bill also phases out the energy efficiency program allocation over three years. The committee believes the pilot programs created have been beneficial, but feel the programs have not been in effect long enough to determine the full value of the programs and savings to ratepayers. The committee recommends the bill as ITL and feels it is premature to phase out the funding and

end the pilot Pay as You Save program (PAYS), suggesting the collection of more data during the next year will be beneficial in determining the effectiveness of the Energy Efficiency Program. The program uses no general fund revenues, and is funded at a rate of \$0.0018 per kilowatt-hour as part of the system benefits charge. Vote 11-0.

**HCR 2**, urging the federal government to recognize hearing loss as a service-connected disability for veterans who flew UH-1 helicopters in Vietnam. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for State-Federal Relations and Veterans Affairs: The United States Congress passed Public Law 107-330 that institutes a study by the National Academy of Sciences on all Military Occupation Specialties. The committee feels that the issue is being addressed by this federal study. Vote 14-0.

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals. **OUGHT TO PASS**

Rep. Russell A. Albert for State-Federal Relations and Veterans Affairs: By enacting the Satellite Home Viewer Improvement Act of 1999 (SHVIA), Congress greatly expanded the ability of satellite companies to provide local signals to subscribers, but limited service to the "designated market area" (DMA). Many subscribers in New Hampshire are in the Portland/Auburn DMA and are unable to receive WMUR-TV, which is located in the Boston/Manchester DMA. This bill would urge Congress to permit the satellite television subscribers to select in-state broadcast signals thus allowing them to receive WMUR-TV that provides emergency messages, disaster information, news coverage and political debates relevant to and originating in New Hampshire. Vote 11-0.

**HB 87**, establishing a study committee to examine decibel limits. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a study committee to examine decibel limits. While there are many sources of noise pollution, this bill asks to study options for enforcement, particularly for motorcycles. New Hampshire has enforcement procedures and has established laws concerning motorcycle decibel limits. While we respect the sponsor's efforts, this is an enforcement issue that has rules and procedures in place. Vote 15-0.

**HB 234**, relative to verification of vehicle identification. **INEXPEDIENT TO LEGISLATE**

Rep. Jean-Guy J. Bergeron for Transportation: Until recently in New Hampshire, because of our laws, only titling vehicles up to 15 years, it had been possible to send a bill of sale to a person in NH and have that person register the vehicle at their local municipality. Once registered, the NH person would send the registration back to any state in the United States where the vehicle could then be titled in that state. We had persons in this state registering thousands of vehicles per year for a fee when "none" of these vehicles ever saw the roads of this state. On many occasions, the NH State Police were called from another state with a stolen vehicle that had been traced back to this process. Three years ago we changed the law in NH to prevent the washing of titles in this state. This bill would restore the process of washing titles. This bill would also make the town clerks responsible for verifying the authenticity of an out-of-state vehicle identification number. Vote 16-0.

**HB 254**, relative to the penalty for failing to have front and rear decals on an OHRV. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill establishes the penalty for failing to have front and rear decals on an Off Highway Recreational Vehicle, and raises the fine from \$36.00 to \$50.00. This bill would require by law that we raise the fine \$14.00 for failing to properly display decals. The cost to print new tickets is not taken into consideration in this proposed legislation. Additionally, a judge in an OHRV case may, upon his discretion, fine an individual up to \$500.00 if he deems it is necessary. Vote 16-0.

**HB 256**, establishing a committee to study the feasibility of breast cancer awareness number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The committee felt that a study committee on breast cancer awareness or awareness of any form of cancer license plates is unnecessary in these times. The medical profession advertises everyday through television, magazines, pamphlets and radio to make people aware of treatments, medications and the risk of cancer. The percentage of the population leans toward knowledge or being associated with someone who has had a form of cancer. Vote 15-0.



**HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: Passage of this bill will add a section to current law allowing aliens to drive in this state. Currently, they show identification to the Commissioner of the New Hampshire Department of Safety. That will change to Director of the NH DOS. Added language provides they must show proof of their previous vehicle operation in a foreign country, or proof of completion of an approved driver education course acceptable to the Director. The NH DOS spoke in favor of this bill noting that after six months drivers have to obtain a NH license as we do not recognize international driving licenses. Vote 16-0.

**HB 271**, relative to walking disability plates and placards. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill will change the validity date for disability license plates and placards from four years to five years. This action will update the current law to match the new license renewal dates. Vote 16-0.

**HB 292**, relative to vehicles entering intersections. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill prohibits a driver from entering an intersection unless there is sufficient space. While we understand the sponsor's frustration with a driver who is not courteous, there are RSAs on the books to deal with these situations; police officers have the authority to ticket individuals who block intersections. The committee also would like to stress to authorities, both state and local, that this is an action that provokes road rage and would strongly urge the appropriate agencies to begin an aggressive enforcement policy towards this activity. Vote 15-1.

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: Every two years the legislature sets the rate of this tax at the maximum rate allowed by federal medicaid regulations. The Department of Health and Human Services and the representative of the New Hampshire Hospital Association support the bill. A minimum of \$180 million in revenue for the biennium depends on this renewal of the rate. Vote 16-0. Referred to Finance.

**HB 313**, establishing a committee to study the feasibility of setting aside a portion of tobacco settlement money to subsidize smoking cessation programs. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: Three million dollars is annually set aside from the state's tobacco settlement proceeds to fund cessation and other tobacco use and prevention programs. These various programs are established, funded and reviewed by the Governor's Tobacco-Use Advisory Committee. By unanimous vote the Committee concurred with the testimony from the American Cancer Society of New Hampshire that the establishment of this study committee would not add to, and might well interfere with the Governor's Tobacco Use Advisory Committee's work. Vote 18-0.

**REGULAR CALENDAR****HB 54**, establishing a committee to study the eligibility for school building aid of certain public academies which serve as the local school for their communities. **INEXPEDIENT TO LEGISLATE**

Rep. Clair A. Snyder for Education: The committee felt this bill would take building aid funds from limited state funds to support building in private schools. This would limit funds to public schools badly in need of new buildings and renovations to existing buildings. If these funds were to be used for private schools we would be supporting schools over which the state has no control. These schools have endowment funds available, the ability to raise funds through building drives, and they can also include building drives in the tuition charge to the communities. Vote 15-2.

Rep. Michael Harrington spoke against.

Rep. Alger spoke in favor.

Adopted.

**HB 84**, requiring school district budgets to disclose moneys paid for lobbying fees. **INEXPEDIENT TO LEGISLATE**

Rep. J. D. Colcord for Education: While this bill is well intentioned, school districts presently show on annual school district budgets dues paid to organizations which support school boards, school

administrators, etc. These organizations provide many types of support to the administrative process of the schools, including keeping them informed on legislation before this body. The lobbying efforts of these organizations currently is reported and available through the Secretary of State. Vote 17-3. Adopted.

**HB 191**, establishing a commission to study the school administrative unit system. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: This subject had been studied many times in the past. In 1996 districts were allowed to form their own supervisory administrative units (SAUs) without state approval and quite a few did, reflecting the ability of the districts to exercise the local control. The ultimate decision lies with the voter. Vote 10-9.

Rep. Hunter requested a roll call, sufficiently seconded.

The question being adoption of the committee report.

**YEAS 293 NAYS 75**

**YEAS 293**

**BELKNAP**

Allen, Janet  
Flanders, Donald  
Pilliod, James  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Clark, Charles  
Lawton, David  
Russell, David

Fitzgerald, James  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Hunt, John  
Mitchell, McKim  
Richardson, Barbara  
Tilton, Anna

Dunn, James  
Liebl, George  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Eaton, Daniel  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles

Espiefs, Peter  
Meador, David  
Pratt, John  
Smith, Edwin

**COOS**

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Dudley, Terri  
Ham, Bonnie  
Naro, Debra

Alger, John  
Bleyler, Ruth  
Eaton, Stephanie  
Hammond, Lee  
Nordgren, Sharon

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Ingbertson, Paul  
Scovner, Nancy

Barker, Robert  
Densmore, Edward  
Giuda, Robert  
Maybeck, Margie  
Sokol, Hilda

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Desmarais, Vivian  
Elliott, Larry

Allan, Nelson  
Baroody, Benjamin  
Bergin, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Fields, Dennis

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Carlson, Donald  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Fletcher, Richard

Arnold, Thomas Jr  
Batula, Peter  
Brassard, Paul  
Carter, Jeffrey  
Clemons, Jane  
Crane, Elenore Casey  
Drisko, Richard  
Ford, Nancy

Furman, Christine  
Goulet, Maurice  
Haley, Robert  
Holden, Randolph  
Jean, Claudette  
Kudalis, Debra  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Palangas, Eric  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Tate, Joan

Gargas, Carolyn  
Graham, John  
Hall, Charles  
Infantine, William  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Luebker, Bernard  
Milligan, Robert  
Movsesian, Lori  
Pappas, Christopher  
Reeves, Sandra  
Shaw, Barbara  
Sullivan, Francis  
Vaillancourt, Steve

Gibson, John  
Greenberg, Gary  
Hawkins, Ken  
Irwin, Anne-Marie  
Konys, Christine  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Mooney, Maureen  
O'Brien, Lori  
Pappas, Marc  
Ross, Lawrence  
Slocum, Lee  
Sweeney, Cynthia  
Wheeler, James

Gorman, Mary  
Hagan, Barbara  
Haytayan, Harry Jr  
Jasper, Shawn  
Kopka, Angeline  
Laflamme, Charles  
Lefebvre, Roland  
McHugh, Claire  
Moran, Edward  
Ober, Russell III  
Pilotte, Maurice  
Rowe, Robert  
Spiess, Paul  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Currier, David  
DeStefano, Stephen  
Gile, Mary  
Kenison, Leon  
MacKay, James  
Perkins, Randy  
Wallner, Mary Jane

Bouchard, Candace  
Daniels, Eric  
Foley, Albert  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances

Brueggemann, Donald  
Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
Leber, William  
Nutter, Edward  
Rush, Deanna

Clarke, Claire  
DeJoie, John  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria

### ROCKINGHAM

Belanger, Ronald  
Clark, Vivian  
Davidson, Robert  
Duffy, James  
Flanagan, Natalie  
Gillick, Thomas  
Headd, James  
Johnson, Rogers  
Langley, Jane  
McMahon, Charles  
Packard, Sherman  
Robertson, Carl  
Shultis, Elizabeth  
Stone, Joseph  
Varrell, Thomas  
Winchell, George

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Holland, James Jr  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Pantelakos, Laura  
Roessner, Kurt  
Smith, Donald  
Stritch, C Donald  
Waterhouse, Kevin

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Griffin, Mary  
Hughes, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Smith, Paul  
Tufts, J Arthur  
Weare, E Albert

Carson, Sharon  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Ingram, Russell  
Kobel, Rudolph  
Manning, John  
O'Neil, Michael  
Rausch, James  
Scamman, Stella  
Splaine, James  
Vallone, Matthew  
Welch, David

### STRAFFORD

Bemis, Alan  
Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Pelletier, Arthur  
Scott, David  
Taylor, Katherine  
Wall, Janet

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Rollo, Deanna  
Smith, Marjorie  
Taylor, Kathleen

Brown, Julie  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Rous, Emma  
Snyder, Clair  
Twombly, James

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Newton, Clifford  
Schmidt, Peter  
Spang, Judith  
Vachon, Dennis

### SULLIVAN

Burling, Peter  
Franklin, Peter  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Phinizy, James

**NAYS 75**  
**BELKNAP**

Ahern, Omer Jr	Dewhirst, Glenn	Lafiam, Robert	Wendelboe, Fran
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**CARROLL**

None

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Laurent, John
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**COOS**

Brady, Mark

**GRAFTON**

Diamond, Estelle	Dorsett, Andrew	Gionet, Edmond	Solomon, Peter
Sorg, Gregory			

**HILLSBOROUGH**

Balboni, Michael	Balcom, John	Bergeron, Jean-Guy	Buckley, Raymond
Buhlman, David	Cail, Kenneth	Carter, Mark	Cernota, Albert
Christiansen, Lars	Emerton, Larry	Goyette, Peter Jr	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hinkle, Peyton	Hopper, Gary
Hunter, Bruce	Kerns, J Edward	Lawrence, James	McElroy, Henry Jr
Messier, Irene	Pepino, Leo	Souza, Kathleen	Sullivan, Peter

**MERRIMACK**

Field, William	Jacobson, Alf	Kennedy, Richard	Marple, Richard
McCormick, Tom	Oliver, James	Reed, Dennis	Soltani, Tony

**ROCKINGHAM**

Bicknell, Elbert	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Corbin, Corey	DiFruscia, Anthony	Flayhan, Mary Lou	Gilbert, Karl
Hutchinson, Karen	Johnson, Robert	Kelley, Jane	Langone, John
McEachern, Paul	McKinney, Betsy	Putnam, Ed II	Quandt, Matthew
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Zolla, William

**STRAFFORD**

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Woods, Phyllis

**SULLIVAN**

Jones, Constance      Leone, Richard  
 and the report was adopted.

**HB 203**, establishing a committee to study the use of pesticides and herbicides in the state, and directing the commissioner of agriculture to issue a report on the use of funds from the pesticide control fund. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: Hearing no compelling testimony in support of the bill and learning that information about the use of pesticides and herbicides in the state is readily available from the New Hampshire Department of Agriculture, the Environment and Agriculture Committee recommends ITL. Vote 14-1.

Adopted.

**HCR 1**, endorsing the Canine Good Citizen Program. **OUGHT TO PASS**

Rep. David N. Scott for Environment and Agriculture: This resolution endorses The Canine Good Citizenship Program sponsored by the American Kennel Club, and has been passed in 28 states. The Canine Good Citizenship Program focuses a greater awareness of the benefits of training and responsible canine ownership. Participation in this program by dog owners can lead to such benefits as lower insurance costs and may help to reduce canine incidences related in the community. There is no required funding. Vote 12-1.

Adopted and ordered to third reading.

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. John DeJoie for Executive Departments and Administration: This bill amends RSA 153, requiring certification of persons who inspect, install or service fire alarm systems. The fire marshal is instructed to develop certification criteria with assistance of an advisory board. This board will include representatives of fire alarm installers, fire chiefs, fire inspectors and other industry representatives. The amendment clarifies individuals affected by this statute and changes the composition of the advisory board to better reflect professions involved in fire alarm installations. This bill will insure a minimum level of proficiency for all persons installing or servicing fire alarm systems in New Hampshire. Vote 13-3.

**Amendment (0090h)**

Amend the bill by replacing section 1 with the following:

1 New Sections; Fire Suppression System Regulation; Advisory Committee. Amend RSA 153 by inserting after section 5 the following new sections:

**153:5-a Fire Suppression System Regulation.**

I. The state fire marshal, in consultation with the advisory committee established in RSA 153:5-b, shall adopt rules pursuant to RSA 153:5, as the fire marshal deems suitable for the regulation of persons engaged in the inspection, installation, and servicing of fire suppression, fire extinguishing, and fire alarm systems in this state, but not including water sprinkler systems. Such rules may include the issuance of various types and classes of certificates, and any reasonable fee for such issuance, for the following:

- (a) An individual or an employee of a firm engaged in the business of servicing portable fire extinguishers or inspecting, installing, and servicing fixed fire extinguishing systems.
- (b) An individual or firm performing hydrostatic testing of fire extinguishers.
- (c) An individual or firm engaged in the installation or servicing of fire alarm systems.

**II. The provisions of this section shall not apply to the following:**

- (a) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.
- (b) The servicing by a firm of its own portable fire extinguishers or fixed fire extinguishing systems by its own personnel specially trained for such servicing.
- (c) Firms engaged in the selling at wholesale or retail of portable fire extinguishers, but not engaged in the installation or recharging of them.
- (d) Fire departments recharging portable fire extinguishers as a public service; provided, however, that the member of the fire department is trained in the proper filling and recharging of the fire extinguishers.

**153:5-b Advisory Committee on Fire Suppression System Regulation.** The state advisory board of fire control established in RSA 153:2 shall establish a committee to advise and assist the board and the state fire marshal on the rulemaking requirements and implementation of the certification of persons provided for in RSA 153:5-a. Notwithstanding RSA 21-G:11-a, the state advisory board of fire control shall appoint the members of the advisory committee, with the state fire marshal or designee serving as a member, as follows:

**I. A sprinkler installer.**

**II. Two representatives of the portable fire extinguisher industry.**

**III. One person experienced in the design of fixed fire extinguishing systems.**

**IV. One representative of the New Hampshire Association of Fire Chiefs, nominated by the association.**

**V. One representative of the New Hampshire Fire Prevention Society, nominated by the society.**

**VI. Two representatives of the New Hampshire Alarm Installers Association, nominated by the association.**

Adopted.

Report adopted and ordered to third reading.

**HB 104-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill aims to save the lives of "Dumpster Babies." It allows the parent to bring the unwanted newborn to a hospital or

other safe haven and deliver the child into its care anonymously. There are no penalties and no questions asked in order to save the baby. The bill instructs the hospital and the Department of Health and Human Services on its subsequent duties and responsibilities. A provision is made for law enforcement to determine if the child has been kidnapped. The amendment changes the maximum age of the child in question to 7 days. It also updates the 1907 law, RSA 460:28 regarding penalties for abandonment. It amends the abandonment statute to provide an exception for a parent acting under this proposed law. The effective date has been changed to 30 days after passage. Financial impact is indeterminable. Vote 17-0.

#### **Amendment (0077h)**

Amend the title of the bill by replacing it with the following:

AN ACT implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter: Temporary Care and Control of Children at a Hospital or Safe Haven. Amend RSA by inserting after chapter 132 the following new chapter:

#### **CHAPTER 132-A**

#### **TEMPORARY CARE AND CONTROL OF CHILDREN AT A HOSPITAL OR SAFE HAVEN**

132-A:1 Definition. In this chapter:

I. "Department" means the department of health and human services.

II. "Hospital" means a public or private institution which is required to be licensed under RSA 151, and which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitative services for the rehabilitation of such persons.

III. "Safe haven" means a church which is attended by a person, or a police or fire station which is attended by a person, or a 911 responder at an agreed transfer location.

132-A:2 Temporary Care and Control of Children at a Hospital or Safe Haven.

I. A hospital or safe haven, without a court order, shall take temporary care and control of a child who is not more than 7 days old, provided that the child is handed to a person at the hospital or safe haven by the child's parent or parents, and the parent or parents did not express an intent to return for the child. The child's parent or parents shall not be required to reveal personally identifiable information.

II. A hospital or safe haven which takes temporary care and control of a child under this chapter shall ensure the provision of any medical services necessary to protect the physical health or safety of the child.

132-A:3 Notice to Department.

I. Within 24 hours after a hospital or safe haven assumes temporary care and control of a child under RSA 132-A:2, the hospital or safe haven shall notify the department and law enforcement officials that the hospital or safe haven has assumed temporary care and control of the child.

II. Upon receipt of notice by the hospital or safe haven, the department shall assume the temporary care and control of the child and shall be responsible for all necessary medical and other costs incurred by the hospital or safe haven related to the temporary care and control of the child. The department shall reimburse the hospital or safe haven for any necessary costs incurred prior to the child's placement in the temporary care and control of the department.

III. Within 24 hours of receiving a report under this paragraph, the department shall request law enforcement officials to investigate the incident using all resources available, including the National Crime Information Center database, to determine if the child is a missing child.

132-A:4 Liability. No person or entity subject to the provisions of this chapter shall be liable for any claim at law or in equity as a result of action taken pursuant to the requirements of this chapter.

132-A:5 Rulemaking. The commissioner of the department of health and human Services shall adopt rules, pursuant to RSA 541-A, to implement the provisions of this chapter.

2 Husband and Wife; Support of Wife and Children; Abandonment by Wife. Amend RSA 460:28 to read as follows:

460:28 Abandonment by [~~Wife~~] *Parent*.

**I.** If any [~~wife or mother~~] **parent** shall separate **himself or** herself from **his or** her [~~husband~~] **child or children** without cause[~~, or from her children,~~] **he or** she shall be guilty of a misdemeanor. The fine, if any, shall be applied in the discretion of the court to the benefit of the deserted [~~husband or~~] **child or children** [~~or both~~].

**II.** *A parent who separates himself or herself from his or her child or children, pursuant to RSA 132-A, shall not be guilty of an offense or subject to a fine under this section.*

3 New Paragraph; Offenses Against the Family; Endangering the Welfare of Child or Incompetent; Exception. Amend RSA 639:3 by inserting after paragraph V the following new paragraph:

VI. No person acting in accordance with the provisions of RSA 132-A shall be guilty of an offense under this section.

4 Effective Date. This act shall take effect 30 days after its passage.

### AMENDED ANALYSIS

This bill declares that a hospital or safe haven shall assume temporary care and control of an abandoned child and shall notify the department of health and human services which shall then notify law enforcement officials. This bill also creates an exception to the crime of endangering the welfare of a child where a parent delivers the child to a hospital or safe haven and the parent does not express an intent to return for the child.

Adopted.

Rep. Bickford spoke against.

Rep. Manning spoke in favor and yielded to questions.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 327 NAYS 45

#### YEAS 327

##### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Lawton, David  
Russell, David

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Clark, Charles  
Laflam, Robert  
Rice, Thomas  
Whalley, Michael

##### CARROLL

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

Hatch, Paul  
Olimpio, J Lisbeth

##### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Liebl, George  
Pratt, Irene  
Smith, Edwin

Dexter, Judson  
Fish, Douglas  
Manning, Joseph  
Richardson, Barbara  
Tilton, Anna

Dunn, James  
Hunt, John  
Meader, David  
Robertson, Timothy

Eaton, Daniel  
Laurent, John  
Mitchell, McKim  
Royce, H Charles

##### COOS

Brady, Mark  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

##### GRAFTON

Akins, Ralph  
Bleyler, Ruth  
Dorsett, Andrew  
Gionet, Edmond  
Ingbertson, Paul  
Sokol, Hilda

Alger, John  
Cooney, Mary  
Dudley, Terri  
Giuda, Robert  
Maybeck, Margie  
Sorg, Gregory

Almy, Susan  
Densmore, Edward  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra

Benn, Bernard  
Diamond, Estelle  
Gilman, G Michael  
Hammond, Lee  
Scovner, Nancy

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Brassard, Paul	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargas, Carolyn	Gorman, Mary
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Haley, Robert	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Holden, Randolph	Hopper, Gary	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Kerns, J Edward	Kopka, Angeline	Kudalis, Debra
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	Lasky, Bette
Lawrence, James	Leach, Edward	Lefebvre, Roland	Lessard, Rudy
Luebker, Bernard	Malloy, Chris	McElroy, Henry Jr	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mooney, Maureen	Mosher, William	Movsesian, Lori	O'Brien, Lori
Palangas, Eric	Pappas, Christopher	Pappas, Marc	Pepino, Leo
Pilote, Maurice	Price, Pamela	Reeves, Sandra	Rowe, Robert
Scanlon, Michael	Shaw, Barbara	Slocum, Lee	Souza, Kathleen
Spiess, Paul	Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, Robert			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Daniels, Eric	Davis, Frank	DeStefano, Stephen
Field, William	Foley, Albert	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Jacobson, Alf	Kenison, Leon	Kennedy, Richard	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	McCormick, Tom
Nutter, Edward	Owen, Derek	Perkins, Randy	Potter, Frances
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Cady, Harriet	Carson, Sharon	Clark, Vivian
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Davidson, Robert
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Manning, John	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Morris, Richard	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew
Rausch, James	Roessner, Kurt	Ruffner, Walter	Scamman, Stella
Shultis, Elizabeth	Smith, Donald	Smith, Paul	Splaine, James



Stone, Joseph  
Varrell, Thomas  
Weldy, Norman Jr

Stritch, C Donald  
Waterhouse, Kevin  
Wiley, Robert

Tufts, J Arthur  
Weare, E Albert  
Zolla, William

Vallone, Matthew  
Welch, David

### STRAFFORD

Albert, Russell  
Campbell, W Packy  
Grassie, Anne  
Johnson, Nancy  
Musler, George  
Rous, Emma  
Spang, Judith  
Wall, Janet

Bemis, Alan  
Cataldo, Sam  
Heon, Richard  
Kaen, Naida  
Newton, Clifford  
Schmidt, Peter  
Taylor, Katherine  
Woods, Phyllis

Berube, Roger  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Pelletier, Arthur  
Scott, David  
Twombly, James

Callaghan, Frank  
Easson, Timothy  
Hollinger, Jeffrey  
Miller, Joseph  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

Harris, Joseph  
Phinizy, James

Harris, Sandra  
Rodeschin, Beverly

### NAYS 45

### BELKNAP

Allen, Janet

Dewhirst, Glenn

### CARROLL

Babson, David Jr

Kenney, Bettie

### CHESHIRE

Parkhurst, Henry

Pratt, John

Weed, Charles

### COOS

None

### GRAFTON

Barker, Robert

Nordgren, Sharon

Solomon, Peter

### HILLSBOROUGH

Arnold, Thomas Jr  
Jasper, Shawn  
McDonough-Wallace, Alice  
Wheeler, James

Gibson, John  
Johnson, Lionel  
Moran, Edward

Hinkle, Peyton  
Konys, Christine  
Ober, Russell III

Hunter, Bruce  
LaFlamme, Paul  
Ross, Lawrence

### MERRIMACK

DeJoie, John

Oliver, James

Reed, Dennis

### ROCKINGHAM

Camm, Kevin  
Moore, Benjamin  
Winchell, George

Corbin, Corey  
Norelli, Terie

Dupuis, Roland  
Robertson, Carl

Johnson, Robert  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Keans, Sandra

Brown, Julie  
Smith, Marjorie

Creteau, Irene  
Taylor, Kathleen

Harrington, Michael

### SULLIVAN

Burling, Peter  
and the reported was adopted.  
Ordered to third reading.

Ferland, Brenda

Franklin, Peter

**CACR 3**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas E. P. Rice for the Majority of Judiciary: There were several opinions. "If it ain't broke, don't fix it." There will be no less politics if the confirmation of judges is done by the Senate rather than by the Council. In fact, there likely would be more. The Senate has a heavy workload now. Vote 11-5.

Rep. John M. Pratt for the Minority of Judiciary: CACR 3 opens the vetting process by which judges are confirmed by transferring that power from the Executive Council to the Senate. This transfer of power would not remove politics from the judicial nominating and confirming process, but would ensure that a vigorous debate on judicial nominees by representatives of both political parties would ensue.

Reps. Davidson and Phinizy spoke against.

Rep. DiFruscia spoke against and yielded to questions.

Rep. Mock spoke in favor.

Rep. Davidson requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 274 NAYS 102

### YEAS 274

#### BELKNAP

Ahern, Omer Jr  
Dewhirst, Glenn  
Laflam, Robert  
Rice, Thomas  
Whalley, Michael

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Russell, David

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Philbrick, Donald

Dickinson, Howard  
Morrow, Harry  
Stevens, Stanley

#### CHESHIRE

Dexter, Judson  
Liebl, George  
Royce, H Charles

Fish, Douglas  
Manning, Joseph  
Smith, Edwin

Hunt, John  
Mitchell, McKim

Laurent, John  
Parkhurst, Henry

#### COOS

Brady, Mark  
Richardson, Herbert

King, Frederick  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

Alger, John  
Eaton, Stephanie  
Ham, Bonnie

Barker, Robert  
Gilman, G Michael  
Naro, Debra

Dorsett, Andrew  
Gionet, Edmond  
Solomon, Peter

#### HILLSBOROUGH

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Cail, Kenneth  
Cernota, Albert  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gargas, Carolyn  
Greenberg, Gary

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gibson, John  
Hall, Charles

Allen, Timothy  
Balcom, John  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hallyburton, Margaret

Arnold, Thomas Jr  
Barry, J Gail  
Bergin, Peter  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hansen, Ryan

Harrington, Paul  
Hopper, Gary  
Kerns, J Edward  
LaFlamme, Paul  
Lefebvre, Roland  
McRae, Karen  
Mooney, Maureen  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Vaillancourt, Steve

Hawkins, Ken  
Infantine, William  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Mercer, Robert  
Moran, Edward  
Ober, Russell III  
Reeves, Sandra  
Slocum, Lee  
Sweeney, Cynthia  
Wheeler, James

Haytayan, Harry Jr  
Jasper, Shawn  
L'Heureux, Robert  
Lawrence, James  
Luebker, Bernard  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir  
Wheeler, Robert

Hinkle, Peyton  
Jean, Claudette  
Laflamme, Charles  
Leach, Edward  
McElroy, Henry Jr  
Milligan, Robert  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Tate, Joan

### MERRIMACK

Anderson, Eric  
DeStefano, Stephen  
Gile, Mary  
Kenison, Leon  
Lockwood, Priscilla  
Nutter, Edward

Bouchard, Candace  
Field, William  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Oliver, James

Currier, David  
Foley, Albert  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy

Daniels, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
McCormick, Tom

### ROCKINGHAM

Belanger, Ronald  
Bridle, Russell  
Coes, Betsy  
Dearborn, Bruce  
Dumaine, Dudley  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Packard, Sherman  
Rausch, James  
Scamman, Stella  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Bicknell, Elbert  
Cady, Harriet  
Cooney, Richard  
Dodge, Robert  
Dupuis, Roland  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Langley, Jane  
Manning, John  
Norelli, Terie  
Pantelakos, Laura  
Robertson, Carl  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Zolla, William

Bishop, Franklin  
Camm, Kevin  
Corbin, Corey  
Doyle, Christopher  
Fesh, Bob  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr

Blanchard, MaryAnn  
Carson, Sharon  
Dalrymple, Janeen  
Duffy, James  
Flanagan, Natalie  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
O'Neil, Michael  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Brown, Julie  
Easson, Timothy  
Hollinger, Jeffrey  
Musler, George  
Twombly, James

Bemis, Alan  
Campbell, W Packy  
Grassie, Anne  
Kaen, Naida  
Newton, Clifford  
Wall, Janet

Berube, Roger  
Cataldo, Sam  
Heon, Richard  
Keans, Sandra  
Scott, David  
Woods, Phyllis

Bickford, David  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Snyder, Clair

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 102

### BELKNAP

### CARROLL

Boyce, Laurie

Olimpio, J Lisbeth

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Meador, David	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Tilton, Anna
Weed, Charles			

**COOS**

Poulin, Richard	Theberge, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Hammond, Lee	Ingbreton, Paul
Maybeck, Margie	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda

**HILLSBOROUGH**

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, Peter	Craig, James	Gorman, Mary
Graham, John	Hagan, Barbara	Haley, Robert	Holden, Randolph
Hunter, Bruce	Irwin, Anne-Marie	Johnson, Lionel	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Malloy, Chris	McDonough-Wallace, Alice
McHugh, Claire	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	

**MERRIMACK**

Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
French, Barbara	Hamm, Christine	Marple, Richard	Owen, Derek
Perkins, Randy	Potter, Frances	Reed, Dennis	Rush, Deanna
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	

**ROCKINGHAM**

Clark, Vivian	Davidson, Robert	DiFruscia, Anthony	Kelley, Jane
McEachern, Paul	Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James
Vallone, Matthew	Weyler, Kenneth		

**STRAFFORD**

Callaghan, Frank	Creteau, Irene	Harrington, Michael	Johnson, Nancy
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis		

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinazy, James	

and the majority report was adopted.

**HB 77**, establishing a committee to study the process of de novo appeals from the district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill establishes a committee to study the process of de novo appeals from the district courts. "De novo" appeals, if granted, gives, in essence, a new trial to the appellant in a higher court. The committee felt that there may be a more efficient way to handle appeals but the subject needs to be studied to look into all the ramifications of such changes. Vote 12-4.

Rep. James E. Wheeler for the Minority of Judiciary: This bill would create a study committee to study the process of de novo appeals from the district court. The minority believes that the study is unnecessary because the present scope of de novo appeals is adequate and its preservation is an absolute necessity. The minority believes that to consider the process with an eye towards eliminating the process with respect to the classes of cases that presently are entitled to de novo appeals, as the sponsor suggested, is dangerous. The minority recommends that this bill be voted inexpedient to legislate.

Rep. James Wheeler spoke against.

Rep. Rowe spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 296 NAYS 73

### YEAS 296

#### BELKNAP

Allen, Janet  
Flanders, Donald  
Rice, Thomas

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Clark, Charles  
Nedeau, Stephen  
Thomas, John

Fitzgerald, James  
Pilliod, James  
Whalley, Michael

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

#### CHESHIRE

Allen, Peter  
Eaton, Daniel  
Liebl, George  
Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

Batchelder, Robert  
Espieffs, Peter  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Weed, Charles

Dexter, Judson  
Fish, Douglas  
Meader, David  
Pratt, John  
Slack, Pamela

Dunn, James  
Hunt, John  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

#### COOS

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

#### GRAFTON

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle  
Giuda, Robert  
Maybeck, Margie  
Sokol, Hilda

Alger, John  
Bleyler, Ruth  
Dudley, Terri  
Ham, Bonnie  
Naro, Debra  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Eaton, Stephanie  
Hammond, Lee  
Nordgren, Sharon

Barker, Robert  
Densmore, Edward  
Gionet, Edmond  
Ingbreton, Paul  
Scovner, Nancy

#### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Beaton, William  
Brundige, Robert  
Carter, Jeffrey  
Clayton, William  
Desmarais, Vivian  
Emerton, Larry  
Furman, Christine  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Kopka, Angeline  
Laflamme, Charles  
Lefebvre, Roland  
McHugh, Claire  
Mooney, Maureen

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergin, Peter  
Buckley, Raymond  
Carter, Mark  
Clemons, Jane  
Dionne, Kimberley  
Fields, Dennis  
Gargasch, Carolyn  
Greenberg, Gary  
Holden, Randolph  
Jean, Claudette  
Kudalis, Debra  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
Moran, Edward

Artz, Lawrence  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Hallyburton, Margaret  
Infantine, William  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Malloy, Chris  
Messier, Irene  
Mosher, William

Balboni, Michael  
Batula, Peter  
Brassard, Paul  
Carlson, Donald  
Christensen, D L Chris  
Craig, James  
Drisko, Richard  
Ford, Nancy  
Goulet, Maurice  
Haytayan, Harry Jr  
Irwin, Anne-Marie  
Konys, Christine  
L'Heureux, Robert  
Leach, Edward  
McElroy, Henry Jr  
Milligan, Robert  
Movsesian, Lori

O'Brien, Lori  
Pappas, Marc  
Reeves, Sandra  
Spiess, Paul  
Sweeney, Cynthia

Ober, Russell III  
Pepino, Leo  
Ross, Lawrence  
Stepanek, Stephen  
Tahir, Saghir

Palangas, Eric  
Pilotte, Maurice  
Rowe, Robert  
Sullivan, Francis  
Tate, Joan

Pappas, Christopher  
Price, Pamela  
Scanlon, Michael  
Sullivan, Peter  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Davis, Frank  
Fraser, Leo Jr  
Hess, David  
Leber, William  
McCormick, Tom  
Reed, Dennis

Bouchard, Candace  
DeJoie, John  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Oliver, James  
Rush, Deanna

Brueggemann, Donald  
DeStefano, Stephen  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Owen, Derek  
Seldin, Gloria

Daniels, Eric  
Field, William  
Hamm, Christine  
L'Heureux, Stephen  
Maxfield, Roy  
Perkins, Randy  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Ingram, Russell  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Smith, Paul  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Rausch, James  
Scamman, Stella  
Splaine, James  
Varrell, Thomas  
Weldy, Norman Jr

Blanchard, MaryAnn  
Clark, Vivian  
Dalrymple, Janeen  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
O'Neil, Michael  
Robertson, Carl  
Shultis, Elizabeth  
Stone, Joseph  
Waterhouse, Kevin  
Winchell, George

Cady, Harriet  
Coes, Betsy  
Davidson, Robert  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Packard, Sherman  
Roessner, Kurt  
Smith, Donald  
Stritch, C Donald  
Weare, E Albert  
Zolla, William

### STRAFFORD

Bemis, Alan  
Harrington, Michael  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Berube, Roger  
Heon, Richard  
Knowles, William  
Rous, Emma  
Snyder, Clair  
Woods, Phyllis

Callaghan, Frank  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine

Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Scott, David  
Twombly, James

### SULLIVAN

Burling, Peter  
Harris, Sandra

Cloutier, John  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

Franklin, Peter  
Rodeschin, Beverly

### NAYS 73

### BELKNAP

Ahern, Omer Jr  
Lawton, David

Boyce, Laurie  
Wendelboe, Fran

Dewhirst, Glenn

Laflam, Robert

### CARROLL

### CHESHIRE

### COOS

None

Laurent, John

Brady, Mark

**GRAFTON**

Dorsett, Andrew

Gilman, G Michael

Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis

Allen, Timothy

Bergeron, Jean-Guy

Bruno, Pierre

Buhlman, David

Cernota, Albert

Christiansen, Lars

Coughlin, Pamela

Crane, Elenore Casey

Elliott, Larry

Gibson, John

Goyette, Peter Jr

Hagan, Barbara

Haley, Robert

Hall, Charles

Hansen, Ryan

Harrington, Paul

Hawkins, Ken

Hopper, Gary

Hunter, Bruce

Kerns, J Edward

Lawrence, James

Luebker, Bernard

McRae, Karen

Shaw, Barbara

Slocum, Lee

Souza, Kathleen

Vaillancourt, Steve

Wheeler, James

**MERRIMACK**

Currier, David

Foley, Albert

Kennedy, Richard

Marple, Richard

Nutter, Edward

Soltani, Tony

**ROCKINGHAM**

Bicknell, Elbert

Doyle, Christopher

Dupuis, Roland

Flayhan, Mary Lou

Itse, Daniel

McMahon, Charles

Putnam, Ed II

Quandt, Matthew

Vallone, Matthew

Weyler, Kenneth

Wiley, Robert

**STRAFFORD**

Albert, Russell

Bickford, David

Brown, Julie

Campbell, W Packy

Cataldo, Sam

Creteau, Irene

Easson, Timothy

Grassie, Anne

Hollinger, Jeffrey

Keans, Sandra

Newton, Clifford

Taylor, Kathleen

Vachon, Dennis

**SULLIVAN**

Ferland, Brenda

Harris, Joseph

Phinizz, James

and the majority report was adopted.

Ordered to third reading.

Rep. Potter did not vote and wished to be recorded in favor.

**HB 130, establishing a judicial nominating commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Wheeler for the Majority of Judiciary: The committee had some strong concerns as to the constitutionality of this bill. This bill would establish a judicial nominating commission, to recommend persons to the Governor for nominations to judicial appointments. The constitution gives the Governor the right to select whomever he/she chooses and this would violate the separation of powers to say that he/she has to give high priority to the commission's recommendations. Therefore we recommend inexpedient to legislate. Vote 13-4.

Rep. John M. Pratt for the Minority of Judiciary: No greater complaint is heard about the judicial nominating process than that judges are selected by "the old boy's network." This bill does not take away one iota of the Governor's constitutional power to nominate judges, but it does provide for a process whereby those who are not a part of the old boy's network can be given serious consideration when judicial openings occur.

Rep. John Pratt spoke against and yielded to questions.

Rep. Mock spoke in favor.

Majority report adopted.

**HB 193, relative to the right to life. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James W. Craig for the Majority of Judiciary: This bill seeks to codify in RSA 132 the following language, "the state of New Hampshire hereby declares that the right to life guaranteed by the Constitution is vested in each human being at fertilization." All members of the Judiciary Committee acknowledged that the beginning of life is a very difficult issue to ascertain, and the majority felt *Roe v. Wade* is still the law of the land and this bill, while well intentioned, is poorly crafted and is not the way to change that law. Some members felt and indeed one of the sponsors indicated that the intent

of the bill would be to make doctors and pregnant women subject to the possibility of criminal sanctions should they terminate a pregnancy at any point after fertilization. Vote 13-5.

Rep. Kathleen F. Souza for the Minority of Judiciary: This bill states that each human life begins at fertilization. In 1973, when the Supreme Court justices handed down the Roe vs. Wade decision, they stated that they did not know when life begins. Since that time, over 42 million unborn children in this country have been lost to abortion. The justices also said that if it could be established that life began at conception, then the whole case for abortion would collapse. The sponsors of HB 193 believe now is an appropriate time for the State of New Hampshire to recognize what science and medicine have now confirmed- that each human life does indeed begin at fertilization. Elizabeth Louise Brown's conception in a petri dish in London over two decades ago proved this fact in full world view. By stating the obvious and asserting that our government, at all levels, should assure the equal care and protection for the right to life for us all, the sponsors of HB 193 hope to contribute to an increase in the respect for human life. If this country is to continue to prosper, we must halt the growing disregard for life, as evidenced by the discarding of newborns, the abuse of children, the mistreatment of the elderly and the infirm and the increasing trend towards euthanasia. HB 193 does not have any enforcement powers. It does not provide for any penalties or for any prosecution. It states biological facts and asks for a truly just society, one that respects what our founders proudly proclaimed, the unalienable right to life.

Reps. Hagan, Itse and Souza spoke against.

Reps Desmarais, Jacobson and Craig spoke in favor.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 253 NAYS 119

### YEAS 253

#### BELKNAP

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Fitzgerald, James
Holbrook, Robert	Lawton, David	Nedean, Stephen	Pilliod, James
Rice, Thomas	Russell, David	Whalley, Michael	

#### CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	McConkey, Mark
Morrow, Harry	Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			

#### CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Liebl, George	Meador, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Slack, Pamela	Tilton, Anna	Weed, Charles

#### COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Dudley, Terri	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	

#### HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Barry, J Gail	Beaton, William
Bergin, Peter	Bouchard, David	Bruno, Pierre	Buckley, Raymond
Cail, Kenneth	Carlson, Donald	Carter, Mark	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, Peter	Craig, James



Crane, Elenore Casey  
 Drisko, Richard  
 Furman, Christine  
 Greenberg, Gary  
 Holden, Randolph  
 Kerns, J Edward  
 Kurk, Neal  
 Leach, Edward  
 Messier, Irene  
 O'Brien, Lori  
 Price, Pamela  
 Shaw, Barbara

Desmarais, Vivian  
 Elliott, Larry  
 Gargas, Carolyn  
 Hall, Charles  
 Infantine, William  
 Konys, Christine  
 Laflamme, Charles  
 Lessard, Rudy  
 Milligan, Robert  
 Ober, Russell III  
 Ross, Lawrence  
 Spiess, Paul

Dionne, Kimberley  
 Emerton, Larry  
 Gorman, Mary  
 Hallyburton, Margaret  
 Irwin, Anne-Marie  
 Kopka, Angeline  
 LaFlamme, Paul  
 Malloy, Chris  
 Moran, Edward  
 Palangas, Eric  
 Rowe, Robert  
 Sullivan, Francis

Dokmo, Cynthia  
 Ford, Nancy  
 Graham, John  
 Haytayan, Harry Jr  
 Johnson, Lionel  
 Kudalis, Debra  
 Lasky, Bette  
 Mercer, Robert  
 Movsesian, Lori  
 Pappas, Christopher  
 Scanlon, Michael  
 Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
 Currier, David  
 DeStefano, Stephen  
 Gile, Mary  
 Jacobson, Alf  
 Lockwood, Priscilla  
 McCormick, Tom  
 Perkins, Randy  
 Seldin, Gloria

Bouchard, Candace  
 Daniels, Eric  
 Foley, Albert  
 Hager, Elizabeth  
 Kenison, Leon  
 MacKay, James  
 Nutter, Edward  
 Potter, Frances  
 Wallner, Mary Jane

Brueggemann, Donald  
 Davis, Frank  
 Fraser, Leo Jr  
 Hamm, Christine  
 L'Heureux, Stephen  
 Marple, Richard  
 Oliver, James  
 Reed, Dennis

Clarke, Claire  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 Leber, William  
 Maxfield, Roy  
 Owen, Derek  
 Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
 Clark, Vivian  
 Dalrymple, Janeen  
 Duffy, James  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Johnson, Robert  
 Langley, Jane  
 McMahon, Charles  
 O'Neil, Michael  
 Roessner, Kurt  
 Splaine, James  
 Vallone, Matthew

Blanchard, MaryAnn  
 Coes, Betsy  
 Davidson, Robert  
 Flanagan, Natalie  
 Gilbert, Karl  
 Holland, James Jr  
 Katsakiores, George  
 Langone, John  
 Morris, Richard  
 Pantelakos, Laura  
 Scamman, Stella  
 Stone, Joseph  
 Weare, E Albert

Bridle, Russell  
 Cooney, Richard  
 Dearborn, Bruce  
 Flanders, John Sr  
 Gleason, John  
 Hutchinson, Karen  
 Kelley, Jane  
 Major, Norman  
 Norelli, Terie  
 Rausch, James  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Weyler, Kenneth

Camm, Kevin  
 Corbin, Corey  
 DiFruscia, Anthony  
 Francoeur, Sheila  
 Gould, Kenneth  
 Ingram, Russell  
 Kobel, Rudolph  
 McKinney, Betsy  
 Noyes, Richard  
 Robertson, Carl  
 Smith, Donald  
 Tufts, J Arthur  
 Winchell, George

### STRAFFORD

Bemis, Alan  
 Dunlap, Patricia  
 Johnson, Nancy  
 Miller, Joseph  
 Rous, Emma  
 Snyder, Clair  
 Vachon, Dennis

Bickford, David  
 Grassie, Anne  
 Kaen, Naida  
 Musler, George  
 Schmidt, Peter  
 Spang, Judith  
 Wall, Janet

Brown, Julie  
 Harrington, Michael  
 Keans, Sandra  
 Pelletier, Arthur  
 Scott, David  
 Taylor, Katherine

Creteau, Irene  
 Heon, Richard  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Taylor, Kathleen

### SULLIVAN

Burling, Peter  
 Franklin, Peter  
 Leone, Richard

Cloutier, John  
 Harris, Joseph  
 Phinizy, James

Ferland, Brenda  
 Harris, Sandra

Flint, Gordon Sr  
 Jones, Constance

### NAYS 119

### BELKNAP

Ahern, Omer Jr  
 Laflam, Robert

Boyce, Laurie  
 Wendelboe, Fran

Clark, Charles

Flanders, Donald

**CARROLL**

Brown, Carolyn

Derby, Mark

Kenney, Bettie

Stevens, Stanley

**CHESHIRE**

Laurent, John

Manning, Joseph

**COOS**

Brady, Mark

Richardson, Herbert

**GRAFTON**Dorsett, Andrew  
Maybeck, MargieGilman, G Michael  
Sorg, Gregory

Giuda, Robert

Ingbertson, Paul

**HILLSBOROUGH**Adams, Jarvis  
Artz, Lawrence  
Brassard, Paul  
Cernota, Albert  
Fields, Dennis  
Goyette, Peter Jr  
Harrington, Paul  
Hunter, Bruce  
Lawrence, James  
McElroy, Henry Jr  
Mosher, William  
Reeves, Sandra  
Sullivan, Peter  
Wheeler, JamesAllan, Nelson  
Balboni, Michael  
Brundige, Robert  
Chabot, Robert  
Fletcher, Richard  
Hagan, Barbara  
Hawkins, Ken  
Jasper, Shawn  
Lefebvre, Roland  
McHugh, Claire  
Pappas, Marc  
Slocum, Lee  
Sweeney, Cynthia  
Wheeler, RobertAllen, Timothy  
Batula, Peter  
Buhlman, David  
Christiansen, Lars  
Gibson, John  
Haley, Robert  
Hinkle, Peyton  
Jean, Claudette  
Luebke, Bernard  
McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
Tahir, SaghirArnold, Thomas Jr  
Bergeron, Jean-Guy  
Carter, Jeffrey  
Coughlin, Pamela  
Goulet, Maurice  
Hansen, Ryan  
Hopper, Gary  
L'Heureux, Robert  
McDonough-Wallace, Alice  
Mooney, Maureen  
Pilotte, Maurice  
Stepanek, Stephen  
Tate, Joan**MERRIMACK**

Field, William

Soltani, Tony

**ROCKINGHAM**Bicknell, Elbert  
Dodge, Robert  
Fesh, Bob  
Headd, James  
Katsakiores, Phyllis  
Packard, Sherman  
Smith, Paul  
Weldy, Norman JrBishop, Franklin  
Doyle, Christopher  
Flayhan, Mary Lou  
Hughes, Daniel  
Letourneau, Robert  
Putnam, Ed II  
Varrell, Thomas  
Wiley, RobertCady, Harriet  
Dumaine, Dudley  
Gillick, Thomas  
Itse, Daniel  
Manning, John  
Quandt, Matthew  
Waterhouse, Kevin  
Zolla, WilliamCarson, Sharon  
Dupuis, Roland  
Hamel, Albert  
Johnson, Rogers  
Moore, Benjamin  
Ruffner, Walter  
Welch, David**STRAFFORD**Albert, Russell  
Cataldo, Sam  
Newton, CliffordBerube, Roger  
Easson, Timothy  
Twombly, JamesCallaghan, Frank  
Hofemann, Roland  
Woods, PhyllisCampbell, W Packy  
Hollinger, Jeffrey**SULLIVAN**

Rodeschin, Beverly

and the majority report was adopted.

**(Rep. Whalley in the Chair)****HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor. **OUGHT TO PASS**

Rep. H. Charles Royce for Resources, Recreation and Development: The state of New Hampshire is on the verge of protecting 171,500 acres, this acreage is known as the Connecticut Lakes headwaters tract. Agreements are being worked on with Lyme Timber Company for their acquisition of

146,000 acres of this forest land with easements. It would continue as a working forest for the company. This bill would authorize the state to bond up to 12 million dollars, which is the price being paid by Lyme Timber Company. If for some unforeseen reason that the company does not reach an agreement with the state, the state of New Hampshire will have the funds and be in a position to acquire Lyme Timbers part of the acquisition. Vote 16-1.

Rep. Chandler yielded to questions.

Adopted.

Referred to Finance.

**HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies. **OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: The State of New Hampshire licenses insurance companies and brokers in the state, and charges a tax on premiums. However, certain unusual types of insurance are purchased through brokers from companies which are not normally licensed. This bill increases the rate of the premium tax on those special lines, comparable to the rates charged by neighboring states. Vote 17-0.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 340 NAYS 34

### YEAS 340

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald
Holbrook, Robert	Laflam, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Derby, Mark
Dickinson, Howard	Hatch, Paul	Kenney, Bettie	McConkey, Mark
Morrow, Harry	Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

#### CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Robertson, Timothy
Royce, H Charles	Slack, Pamela	Tilton, Anna	Weed, Charles

#### COOS

Brady, Mark	King, Frederick	Mears, Edgar	Poulin, Richard
Pratt, Leighton	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Bleyler, Ruth	Cooney, Mary	Diamond, Estelle	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory		

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin

Beaton, William  
 Brundige, Robert  
 Cail, Kenneth  
 Cernota, Albert  
 Clayton, William  
 Crane, Elenore Casey  
 Drisko, Richard  
 Ford, Nancy  
 Goulet, Maurice  
 Haley, Robert  
 Harrington, Paul  
 Hopper, Gary  
 Jasper, Shawn  
 Konys, Christine  
 L'Heureux, Robert  
 Lefebvre, Roland  
 McElroy, Henry Jr  
 Messier, Irene  
 Mosher, William  
 Pappas, Christopher  
 Price, Pamela  
 Scanlon, Michael  
 Stepanek, Stephen  
 Vaillancourt, Steve

Bergin, Peter  
 Bruno, Pierre  
 Carlson, Donald  
 Chabot, Robert  
 Cote, Peter  
 Desmarais, Vivian  
 Emerton, Larry  
 Furman, Christine  
 Goyette, Peter Jr  
 Hall, Charles  
 Hawkins, Ken  
 Hunter, Bruce  
 Jean, Claudette  
 Kopka, Angeline  
 Lallamme, Charles  
 Lessard, Rudy  
 McHugh, Claire  
 Milligan, Robert  
 O'Brien, Lori  
 Pappas, Marc  
 Reeves, Sandra  
 Shaw, Barbara  
 Sweeney, Cynthia  
 Wheeler, Robert

Bouchard, David  
 Buckley, Raymond  
 Carter, Jeffrey  
 Christensen, D L Chris  
 Coughlin, Pamela  
 Dionne, Kimberley  
 Fields, Dennis  
 Gargas, Carolyn  
 Graham, John  
 Hallyburton, Margaret  
 Haytayan, Harry Jr  
 Infantine, William  
 Johnson, Lionel  
 Kudalis, Debra  
 LaFlamme, Paul  
 Malloy, Chris  
 McRae, Karen  
 Mooney, Maureen  
 Ober, Russell III  
 Pepino, Leo  
 Ross, Lawrence  
 Souza, Kathleen  
 Tahir, Saghir

Brassard, Paul  
 Buhman, David  
 Carter, Mark  
 Christiansen, Lars  
 Craig, James  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Gibson, John  
 Greenberg, Gary  
 Hansen, Ryan  
 Hinkle, Peyton  
 Irwin, Anne-Marie  
 Kerns, J Edward  
 Kurk, Neal  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Moran, Edward  
 Palangas, Eric  
 Pilotte, Maurice  
 Rowe, Robert  
 Spiess, Paul  
 Tate, Joan

### MERRIMACK

Anderson, Eric  
 Currier, David  
 DeStefano, Stephen  
 French, Barbara  
 Hess, David  
 Leber, William  
 Maxfield, Roy  
 Owen, Derek  
 Wallner, Mary Jane

Bouchard, Candace  
 Daniels, Eric  
 Field, William  
 Gile, Mary  
 Jacobson, Alf  
 Lockwood, Priscilla  
 McCormick, Tom  
 Potter, Frances

Brueggemann, Donald  
 Davis, Frank  
 Foley, Albert  
 Hager, Elizabeth  
 Kenison, Leon  
 MacKay, James  
 Nutter, Edward  
 Reed, Dennis

Clarke, Claire  
 DeJoie, John  
 Fraser, Leo Jr  
 Hamm, Christine  
 L'Heureux, Stephen  
 Marple, Richard  
 Oliver, James  
 Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
 Cady, Harriet  
 Coes, Betsy  
 Dearborn, Bruce  
 Duffy, James  
 Flanagan, Natalie  
 Gilbert, Jeffrey  
 Gould, Kenneth  
 Holland, James Jr  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 McMahon, Charles  
 Noyes, Richard  
 Pitts, Jacqueline  
 Roessner, Kurt  
 Smith, Paul  
 Vallone, Matthew  
 Welch, David  
 Winchell, George

Bishop, Franklin  
 Camm, Kevin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Dumaine, Dudley  
 Flanders, John Sr  
 Gilbert, Karl  
 Griffin, Mary  
 Hughes, Daniel  
 Johnson, Rogers  
 Kobel, Rudolph  
 Major, Norman  
 Moore, Benjamin  
 O'Neil, Michael  
 Putnam, Ed II  
 Scamman, Stella  
 Stone, Joseph  
 Varrell, Thomas  
 Weldy, Norman Jr  
 Zolla, William

Blanchard, MaryAnn  
 Carson, Sharon  
 Dalrymple, Janeen  
 Dodge, Robert  
 Dupuis, Roland  
 Flayhan, Mary Lou  
 Gillick, Thomas  
 Hamel, Albert  
 Hutchinson, Karen  
 Katsakiores, George  
 Langley, Jane  
 Manning, John  
 Morris, Richard  
 Packard, Sherman  
 Rausch, James  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Waterhouse, Kevin  
 Weyler, Kenneth

Bridle, Russell  
 Clark, Vivian  
 Davidson, Robert  
 Doyle, Christopher  
 Fesh, Bob  
 Francoeur, Sheila  
 Gleason, John  
 Headd, James  
 Ingram, Russell  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Norelli, Terie  
 Pantelakos, Laura  
 Robertson, Carl  
 Smith, Donald  
 Tufts, J Arthur  
 Weare, E Albert  
 Wiley, Robert

**STRAFFORD**

Albert, Russell  
Brown, Julie  
Creteau, Irene  
Heon, Richard  
Keans, Sandra  
Newton, Clifford  
Schmidt, Peter  
Spang, Judith  
Wall, Janet

Bemis, Alan  
Callaghan, Frank  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Pelletier, Arthur  
Scott, David  
Taylor, Katherine  
Woods, Phyllis

Berube, Roger  
Campbell, W Packy  
Easson, Timothy  
Johnson, Nancy  
Miller, Joseph  
Rollo, Deanna  
Smith, Marjorie  
Taylor, Kathleen

Bickford, David  
Cataldo, Sam  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Rous, Emma  
Snyder, Clair  
Twombly, James

**SULLIVAN**

Cloutier, John  
Harris, Joseph  
Rodeschin, Beverly

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

Franklin, Peter  
Leone, Richard

**NAYS 34****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Parkhurst, Henry

Richardson, Barbara

**COOS**

None

**GRAFTON**

Benn, Bernard

Densmore, Edward

Nordgren, Sharon

**HILLSBOROUGH**

Barry, J Gail  
Elliott, Larry  
Lasky, Bette  
Slocum, Lee

Batula, Peter  
Gorman, Mary  
Lawrence, James  
Sullivan, Francis

Bergeron, Jean-Guy  
Hagan, Barbara  
Luebker, Bernard  
Sullivan, Peter

Clemons, Jane  
Holden, Randolph  
Movsesian, Lori  
Wheeler, James

**MERRIMACK**

Perkins, Randy

Seldin, Gloria

Soltani, Tony

**ROCKINGHAM**

Bicknell, Elbert  
Splaine, James

Corbin, Corey

Itse, Daniel

Quandt, Matthew

**STRAFFORD**

Harrington, Michael

Hollinger, Jeffrey

Vachon, Dennis

**SULLIVAN**

Burling, Peter  
and the committee report was adopted.  
Referred to Finance.

Phinzy, James

**(Speaker Chandler in the Chair)**

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law. **OUGHT TO PASS**  
Rep. Vivian R. Clark for Ways and Means: The report filed by this study committee last fall indicated that the study had brought to attention more aspects of hospital exemptions and the community benefits law than had been anticipated. They would therefore like to continue their investigations. Ways & Means members generally agreed. Vote 14-4.  
Adopted and ordered to third reading.

**HB 340**, establishing a committee to study implementing keno in the state of New Hampshire.  
**INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: Keno is a form of gambling traditionally found in bars and restaurants. While there are several questions relative to potential problems which might be answered by a study committee, the Committee is not in favor of expanding gambling in this manner. The Director of the Lottery was present to answer questions; however, the sponsors provided the only testimony on the bill. Vote 15-3.  
 Adopted.

**BILL REMOVED FROM CONSENT CALENDAR**

**HB 221-FN**, prohibiting the courts from charging fees. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend, replace or repeal numerous sections of the statutes in order to abolish all fees charged by the courts of this state. It would, in the view of its sponsors, codify the prohibitions enumerated in Article 14 of Part 1 of the NH Constitution. In voting this bill inexpedient to legislate, the committee concluded that Article 14 was a response to common Eighteenth Century English practice where bribery of magistrates, officials, or staff was normal, often necessary means of inducing administrative or judicial action, and that the Article was not intended to proscribe the charging of reasonable, uniform filing fees designed to defray actual processing expenses and to discourage frivolous filings. It was noted that the courts follow a liberal practice, upon motion in appropriate situations, of waiving such fees based on inability to pay or other just cause. Vote 13-1.

Rep. Marple spoke against.

Rep. Sorg spoke in favor.

Adopted.

**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 13, 2003 at 10:00 a.m.

Adopted.

**LATE SESSION**

**Third reading and final passage**

**HB 180**, relative to proceedings for termination of parental rights.

**HB 204**, relative to venue in juvenile proceedings

**HB 101**, relative to qualifications for state offices.

**HB 126**, relative to posting statutes at polling places.

**HB 293**, establishing a commission to identify medical errors and their causes.

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board.

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals.

**HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state.

**HB 271**, relative to walking disability plates and placards.

**HCR 1**, endorsing the Canine Good Citizen Program.

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems.

**HB 104-FN**, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

**HB 77**, establishing a committee to study the process of de novo appeals from the district courts.

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law.

**UNANIMOUS CONSENT**

Reps. Joseph Stone, Manning and Burling addressed the House.

**RECESS MOTION**

Rep. Hess moved that the House stand in recess for the purposes of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 12:55 p.m.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 6**

Thursday, February 13, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed and compassionate Creator of all who has graced us with gifts too numerous to count, bless the work of this honorable House today as it considers both the opportunities and necessities of using New Hampshire's resources for the benefit of every citizen, especially those who need a helping hand.

During these difficult and troubled days, help us to keep our communities strong, our values clear and our respect for the dignity of every human being unshaken.

As always, we especially ask Your protective blessing to be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in the defense of our country and our beloved New Hampshire. Amen.

Rep. Janet Allen led the Pledge of Allegiance.

The National Anthem was played by violinist Sarah Stohrer.

**LEAVES OF ABSENCE**

Reps. Chabot, David Cote, Goulet, Grassie, Guay, Pepino, Ruffner and Katherine Taylor, the day, illness.

Reps. Balcom, Bartlett, Bleyler, Cail, Colcord, Corbin, Franklin, Furman, Bonnie Ham, Paul Harrington, Hopper, Introne, Musler, Ouellette, Priestley, Seldin and Soltani, the day, important business.

Rep. Brundige, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Sharon and Mark Sykas, guests of Rep. Scamman. The Honorable Martha Fuller Clark, guest of Rep. Buckley. Brad Smith, guest of Rep. Boyce.

Sara Hemeon and students from Merrimack Valley High School with their teacher, Mrs. Gormley, granddaughter and guests of Reps. George and Phyllis Katsakiores. Deana Delucca, guest of Rep. Thomas.

**RESOLUTION**

Reps. Hess and Burling offered the following:

RESOLVED, that the House inform the honorable Senate it is ready to meet in Joint Convention for the purpose of hearing Governor Craig Benson deliver his budget message.

Adopted.

**SENATE MESSAGE**

The Senate is now ready to meet with the honorable House of Representatives in Joint Convention for the purpose of hearing Governor Craig Benson deliver his budget message.

**JOINT CONVENTION**

**(Speaker Chandler presiding)**

Executive Councilors Spaulding, Griffin, Wiecezorek and Wheeler joined the Joint Convention.

His Excellency, Governor Craig Benson, addressed the Joint Convention.

Mr. Speaker, Mr. President, Members of the House and Senate, Members of the Executive Council and other Honored Guests:

It is my pleasure to be here today to talk about New Hampshire's future. And no discussion about New Hampshire's future is complete unless that discussion includes our children. For 200 years every generation has insured that the younger generation has had more opportunity for success than they themselves have had. To do that, you need to make tough decisions and those decisions need



to be based not on the next election but on the next generation. I'm pleased to be here today to use the tools that our children would be more comfortable using than we ourselves are. But, for our children's sake, I think it is time we begin to communicate as they do. And, for our children's sake, I believe we must embrace change.

I want to thank you, Mr. Speaker, for allowing me to use this hallowed Hall as a way to demonstrate the combination of tradition and technology. And as the constitution requires, I have brought my copy of the budget done in the traditional way, but I ask that we think more in terms of our children.

Our mission was made very clear last November when a record number of voters turned out and told us some simple things. They were tired of paying higher taxes, they wanted us to sit around government's kitchen table and make tough decisions, and they wanted us to act like they do — live within our own means. My opponent advocated higher taxes as a way to fix our problems, the voters have soundly rejected that with the following statement. No income tax, no sales tax, no new taxes, no higher taxes, no way.

So how do we proceed forward? Massachusetts, Maine, Connecticut are all facing similar problems to ours, in fact, theirs is even more dire than the situation here in New Hampshire. They have a sales tax, they have an income tax, and some even have gambling. So it proves the point. Taxes aren't the solution to the problem. They are the problem.

We as Americans have been through tough times before. Other generations have always unified for the sake of the younger generations. I can think of countless incidents where my parents sacrificed for my own future. I'm sure you can remember when your parents did the exact same thing. Sacrifice means making tough decisions. But we do it knowing that we love our children and want them to be more successful than even we could possibly be. It's time to stand up and make good decisions. No more ducking, dodging and deferring those tough decisions and passing them off to our children. Our parents didn't do that to us and it's about time that we take our responsibilities seriously too. If we are to reach the stars, then we will have to stand on the shoulders of giants that have come before us to make that goal occur. I look forward to working with you to do it.

New Hampshire's deficit is \$70 million in the biennium ending this June. It will reach \$230 million in the next biennium. We, frankly, have to stop spending more than we take in. Every New Hampshire family knows that. Prior administrations have drained our savings account and we face some tough challenges. Healthcare cap costs are going up. Employee costs are going up. Demand for social services in light of the weak economy is going up. Education costs are going up, too. Confronting these problems may be unique to government but it's not unique to organizations that have faced tough times. You need to work with people to maximize your resources and minimize your disruptions. Tough times bring people together and I'm hopeful that that will happen in this very instance. I brought with me today, and they are seated in the gallery, the various department heads that run all the agencies in the State of New Hampshire. They put forth a lot of work to make this budget happen and turn it into a reality for our future. And I would like to take one minute to recognize their efforts, and if I could, ask them to stand so they may be recognized by everybody. That, ladies and gentlemen, is the team that will ensure New Hampshire's future is a bright one.

Time was short to build this budget. I've only been in office five weeks but we have worked very, very hard to accommodate the needs we have in this state. One thing I didn't want to do is do what is being done in other states, and that is to pass our problems on to the local towns and cities throughout the State of New Hampshire. We created these problems, we need to solve these problems. We're not going to create new taxes or increase the rate of taxes. We're even going to be able to lower the rate of spending in state government even with significant costs drivers. I'm not going to stand here and tell you that there is no pain in this budget. I am going to tell you that we have started on a process of identifying the state's wants versus its needs and we will continue to drive that process throughout my administration. Our children, our most valued assets, leave New Hampshire more than half the time to pursue their dreams someplace else after we provide them an education and make a significant investment in that education. To me that is just plain wrong. These are good kids and I want them to grow up here, but they need a great job to pursue their dreams in New Hampshire.

As I campaigned, I noticed that New Hampshire is dominated with old mill buildings that stand as testaments to companies that have come and gone many years ago. Who would have ever thought that these giant companies that could build these great mills could possibly ever disappear like dinosaurs? Well, in fact, not one of them is left occupying any of those mills throughout New Hampshire. It just goes to show that New Hampshire's economy is dynamic and changing and if we are to keep pace we must change too.

As such, I have hired a small business advocate in my office to work with small businesses to help ensure their success through government and by helping them with the resources we can deploy in state government. I would like to create a new program and announce it today called "Start-up New Hampshire." Take \$350,000 out of this biennium budget and give it to college students who graduate from New Hampshire colleges or universities and want to found a company right here in New Hampshire and want to grow it in New Hampshire. I think that is one way to spur our economy. We have also put forth another program called "Garage Grants" to start to fund startup incubators throughout the state of New Hampshire. These incubators will spawn great, new ideas and they will allow entrepreneurs to pursue their dreams. These entrepreneurs will create these new visions and like tiny acorns they will grow into great oak trees some day. The next fifty years will be dictated by what we do today. I look forward to being able to set the course for New Hampshire's future.

Tomorrow my daughter, Lauren, turns 18 years old (it's probably what I deserve more applause for than for anything else) and I look forward to her future being right here in New Hampshire along with all your children's future right here in New Hampshire, as well.

We've debated the cost of education far too long but we have not spoken of quality. Today that will change. These very tools I am using here today represent a huge change in the way we communicate but these tools are very familiar to our children. This is how they communicate. It's about time we start to communicate in their language. We made some tough choices in the Department of Education, university system and technical colleges. Our neighbors in the surrounding states have done the exact same thing. I appreciate working with the administrations of the various departments to ensure that we don't miss a beat in spite of these changes we've had to make. To me, the core of education is locally controlled and that's why I've given slightly more money to cities and towns to ensure they keep providing great education to our New Hampshire children.

But we are not stopping there. Finally, we need to find a way to help cities and towns that are having trouble meeting their education obligations. I'm calling this program "No Community Left Behind." It will fund \$20 million in targeted aid to cities and towns that need it most in this biennium alone. That number will grow to \$62 and one-half million next biennium for targeted aid. That, ladies and gentlemen, is the way we will fix education once and for all.

Coupled with this targeted aid we will also find significant decreases in the statewide property tax. Fourteen percent in this biennium alone. In the next five years, we will reduce the statewide property tax by almost fifty percent, saving New Hampshire taxpayers close to a billion dollars cumulatively over the next five years. Competition is what built America. It's what made me sharper in business. It's what we need in education. So, today I am announcing a new program called "Choice Now"; \$4 million dollars targeted to development and startup of charter schools in the state of New Hampshire. We can finally make it a reality. We're not going to stop there. Home schooling is something we have talked about for a long period of time but we have done nothing to help those parents with the challenges they have with educating their own children. As part of this budget, we are developing a program called "School at Home." \$2 million over the biennium to help home schoolers defray some of the costs they incur with teaching their children in their own homes.

For too long we have put up with physical dropouts from our schools, but I have to tell you there's more children that mentally check-out from the schools than the physical ones we can count. It's time we challenge every student in every subject, in every school and accept nothing less. Today I'm announcing a program called "E-Ticket to Learning," Internet based course learning for which we will provide \$4 million to develop courseware to export to every schoolroom in this state because we will find a way to challenge every student in every subject and individualize that content so those children can be excited about going to school.

And, we're not going to stop there. I've hired an education reform mentor to work directly in my office. I've done something a little strange, I hired a teacher to do that. This teacher has not only been a teacher, she's also been a school board member, she's taught at the community technical colleges and she's an entrepreneur who started her own preschool. She will make a real difference in education and the future of New Hampshire.

This is a caring budget. Our Health and Human Services budget, as you know, is a sizable one. We've given Health and Human Services \$80 million over the biennium more than the guidelines for other departments. We're spending more than ever before on these services; however runaway costs make the job very, very tough. That means we have to make very wise investments. One of those investments we are going to make today is to reduce the disability waiting list. We're going to put \$3 million to ensure that the disability waiting list comes down in size. Will that remove the

disability waiting list completely? Absolutely not. But it will set us off to a very good start.

We need to help find qualified professionals to work in some of the most challenging jobs in America – our nursing profession. So, today I'm announcing a new program called "Nurses Stat," \$2 million to help with tuition reimbursement for nurses who guarantee they will stay and practice their profession right here in the state of New Hampshire. It will augment other programs we already have in this state but it was a way to focus on a profession that we need to pay a lot of attention to for our future.

As part of my budget, we have asked providers of healthcare to take a five percent reduction in their payment levels. However, we are also going to work to pass, as part of this budget, sweeping medical malpractice reform. We are not going to let the courts dictate healthcare decisions anymore. That's between the patient and their healthcare provider, and I'm proud to say we are going to make this a big part of our budget and make it happen in New Hampshire, now.

We've had to make changes in our Medicaid programs throughout the state but despite these tough times and despite the changes that have been made throughout the country to Medicaid, the Healthy Kids Program has actually increased. We are very committed to making sure that Healthy Kids stays a part of New Hampshire's landscape.

I've also done something else a little bit crazy. I've decided that a healthcare advocate needs to be part of the governor's staff. If we are really going to get this done, let's drive it out of the governor's office. So, I've hired someone from the hospital business to come in and help me dictate what the policy changes are that we are needing throughout this state to make things occur in the healthcare industry. I know it's a little strange but it's time we listen to people who are providing local care to people in every single community throughout this state and make sure that any changes we make only positively effect the patients.

Government can't do it all, I know. I've had a great chance to go out and meet with so many different organizations that are providing many social services throughout this state on a local level. People who founded these organizations have a dream, a passion, a determination to make things happen. I call them community entrepreneurs. Their enterprises start in living rooms, soup kitchens, church basements, but they really make a difference in their local communities. Today, I want to start a program to leverage community entrepreneurship. We're going to call it "Community Entrepreneurship Grants." We're going to provide startup capital to social organizations dedicated to delivering services to the neediest people throughout the state and their local communities. As an entrepreneur, I know the challenges of a startup and they can be daunting. My program will fund those programs and fund those dreams.

Government reform is way overdue. We all know that, but reform takes a team and our team is 12,000 strong. Unlike other states that have chosen to balance their budgets on the backs of their most valuable assets, their state employees, we are not going to do that here. The changes we're making will be minimally disruptive to our employees and be focused on ensuring that we get to a place where we deliver services efficiently and effectively for our citizens. It won't be easy but it can be done. We will make cost cutting methods one of the priorities of this administration. Everybody needs to take part in that exercise for us to be successful long term. So, one of the ways in which we're going to do that is we're going to start with the Governor's Initiative Award, an award that takes my salary and gives it back to state employees willing to make changes. But, we're not going to stop there. We are also going to capture savings of \$30 million with new efficiency programs. We are going to make employees part of that change because they are the ones that are going to have to make those changes. I'm going to call this the "Can Do Incentive Program." Ten cents of every dollar we save as part of this initiative will go to the employees making those changes. Ninety cents will go back into the Rainy Day Fund, our state savings accounts that we robbed to balance this budget. We need to do that for our children's future.

Everyone knows that government can be more efficient and during this exercise we have found some instances of that, if you can believe it. We found that we're paying for utilities to the tune of \$150,000 to buildings that have been abandoned. We found numerous duplications between departments; and we found many, many paper reports (not the least is this one) that could be done electronically. The efficiency committee will help us find ways to do things, but my suggestion box both electronically and the one that sits outside my office has already captured some great ideas without the help of the efficiency committee. Today I would like to recognize some great state employees that have provided us with some great suggestions and they are in the audience. Please recognize Patty Smith, Bill Simington and Michael Fitzgerald. Thank you for your efforts.

Government's front door should not only be accessed with a doorknob. We are the second most technology literate population in the entire country. Half of our population accesses the Internet on a daily basis. Their access to government should with a mouse. It's more time effective for our citizens and more cost effective for our government. Today I'd like to announce a new department, the Department of Technology Implementation. It will bring together all the different technology people and assets we have throughout the state under one roof, and finally provide us one communication platform, one look, one feel from the accountability board to the youth development services organization. Doing this better will allow us to give our citizens a better government experience and allow us to use our resources more wisely than ever before. As part of this initiative, I am pleased to announce that the state has a new Chief Information Officer who will drive this process. He is Bob Anderson who has worked with me for over 13 years. He's not only a great listener but a fantastic doer and he joins us today. Bob, would you please stand.

I've also dedicated a person in my staff to be a government reform guru. If we are going to move to the 21<sup>st</sup> century, we have to drive it right out of the governor's office and I think it's in everybody's best interest that we do that. I also happen to think that you lead by example. My own governor's office has cut its budget from the predecessor's budget down to 90% of last year's level. My staff is about two-thirds the size of the former governor and my transition team did not spend all the money you kindly appropriated to me for my transition efforts; we're returning half that money to the state treasury for use in other places.

I'm really pleased to be here speaking to the House and the Senate because you are my partners. We must do this together and part of partnership is choice. So what I've put in my budget to help you have some choices about your priorities is \$15 million unallocated for you to put in the programs that you think merit some funding. I believe that is true partnership and no governor has done that before to my knowledge and I think it's the right way to move forward.

We started with taxes; we're going to end with taxes. This has been a tough budget, but no tougher than New Hampshire families are facing. Many of our New Hampshire families have plummeting 401Ks and have had to make many job shifts, sometimes at lower pay. These people have been hit by hard times and it's about time we understand their pain. The voters have spoken very clearly on our use of their resources. We need to begin today to be as effective as possible.

One thing I think taxpayers deserve, though, is a down payment on their past investments. So, we are going to deliver to them no new taxes, no new tax increases but some tax cuts. Nine million for funding of a senior property cut; almost a billion dollars in the next five years in property tax relief by cutting the statewide property tax rate almost in half; cuts to business taxes on property and additional funding in a net operating loss provision. While this is just a beginning, it's in sharp contrast to what other states are doing where they are raising taxes. I believe this sets us apart from the rest of the country. Living within our means means preserving the New Hampshire advantage for our children to partake in.

There is more to be done and this graph shows why we're in the situation we're in. The bottom green line reflects where government should have been spending, that's the rate of inflation. The top blue line is where we have been spending. We didn't control spending. We are spending more than we are taking in. Living in debt is not only in violation of the New Hampshire constitution, it's also morally wrong. And to ensure that we never get here again, I am proposing, as a separate initiative, the Taxpayer's Bill of Rights. A program by which we are growing the state of New Hampshire's government at the rate of inflation. By capping the rate of growth of inflation and making it much harder to raise and create new taxes, we will ensure that government always lives within its means and doesn't pass these problems on to its children.

I am pleased to offer this budget and these real savings to New Hampshire taxpayers. There will be obstacles in the road, let me say that from the start, but we will get by those obstacles. There will be naysayers on the sidelines who try to condemn this process. Be wary of those who criticize without solutions as to how to make change, as these are the people who will try to disrupt the process and condemn our children's future hopes and dreams. That isn't what New Hampshire was built on. Do not encourage them to ruin New Hampshire's future. If we do the job well, we can build on the saying that former governor Meldrim Thomson said and we can boast that New Hampshire is what America ought to be.

My prayers are with all of you. God bless you and God bless the great state of New Hampshire. Sen. Clegg and Rep. Hess moved that the Joint Convention arise.

Adopted.

## HOUSE SESSION

(Speaker Chandler in the Chair)

The Speaker reconvened the House session

## RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 48 and 52 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

## First, second reading and referral

**SB 48**, exempting housing for older persons from certain age discrimination laws. (Commerce)

**SB 52**, relative to a voluntary certification program for police dogs and handlers. (Criminal Justice and Public Safety)

## COMMITTEE REPORTS

## CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 58**, requiring the department of transportation to study and report on the advantages of constructing state-owned truck service centers, removed by Rep. Shultis.

**HB 349**, relative to establishment and enforcement of speed limits, removed by Rep. Vachon.

Consent Calendar adopted.

**HB 159**, relative to meetings of the directors of nondepository trust companies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation simply reduces the required number of director meetings from nine to four for non-depository trust companies if they are rated by the New Hampshire Banking Department as either I (the highest) or II. If a non-depository trust company is rated III or lower, the NH Banking Department has absolute authority to require any number of additional meetings as justice may require until such time that they have attained a rating of I or II. Vote 16-0.

## Amendment (0099h)

Amend the bill by replacing section 1 with the following:

1 Meetings; Records; Highly Rated Nondepository Trust Company Directors. Amend RSA 384:7 to read as follows:

384:7 Meetings; Records. The trustees or directors shall meet on a regular basis as often as necessary but not less than 9 times per year[~~;~~and], *except that the directors of a nondepository trust company that has a composite rating of at least 2 as a result of the most recent examination by the bank commissioner, shall meet on a regular basis as often as necessary but not less than 4 times per year.* At such meetings the work for the preceding period of the investment committee, and of all other committees appointed by the trustees or directors, shall be submitted to the board for examination. A record of the meeting shall be kept, showing the names of the trustees or directors present. A majority of the board of trustees or directors shall be a quorum for the transaction of business. The board of trustees or directors shall adopt a policy providing standards for determining the number of absences by a director or trustee from meetings of the board or the committees which shall result in a declaration of dereliction of duty by the board and its removal of the director or trustee from office.

## AMENDED ANALYSIS

This bill requires directors of nondepository trust companies to meet a minimum of 4 times a year.

Nondepository trust companies engage solely in trust activities for their customers. They do not accept deposits, make loans, or engage in regular banking business.

**HB 334**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**  
Rep. Leo W. Fraser, Jr. for Commerce: Although the efforts of the sponsor are noble in setting up a commission to review prior treaties consummated by the United States Senate, or reviewing proposed treaties before they become a fact, the Commerce Committee was unanimous in agreeing that such a commission would not be effective. It is our opinion that contact with our congressional delegation would be a much more effective method of articulation of concerns rather than a commission, which would meet once a year. Vote 16-0.

**HB 146-FN**, relative to criminal penalties for child pornography offenses. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation attempted to establish a one-year minimum mandatory sentence for child pornography. The current penalty for a first offense for child pornography is 3-1/2 to 7 years. Most judges use common sense in their sentencing applied to individual circumstances. This bill was the result of a judge's decision on a case where no jail time was assigned. The committee feels that judges should retain discretion in sentencing. Vote 19-0.

**HB 155**, relative to responses by law enforcement officers when traveling outside their jurisdictions. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill would grant law enforcement officers traveling outside their jurisdiction the authority to take certain actions if he/she observes a crime or serious motor vehicle violation or life safety incident which may cause serious injury or death. Rep. Tholl extended the courtesy of introducing the bill; however, no one testified in support of same. The sub-committee felt that there was sufficient current law in effect to grant law enforcement officers the necessary authority to take such action. Vote 19-0.

**HB 179**, establishing a committee to study enhancement of laws relating to vehicle pursuits. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill establishes a committee to study enhancement of laws relating to vehicle pursuits. In particular, there was considerable testimony pertaining to problems that arise in interstate pursuits. Because this is a major concern for border communities, the Criminal Justice Committee unanimously supported the concept of the proposed legislation. It was envisioned that the committee established from this proposal would be able to look at interstate compacts and other matters that directly impact our border towns and cities. Vote 18-1.

**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill as amended allows a law enforcement agency to request assistance from another law enforcement agency in a "mass critical incident". While there is current legislation that permits contiguous communities to enter into extended authority agreements, there is no procedure to account for widespread disasters where assistance is required from towns at some distance from the event. This legislation gives authority to the responding agency to make arrests and have full police power for the duration of the event. What this bill does not do is create any obligation on an agency to respond. Such response is, and should be, left to the responding agency. The amendment defines "mass critical incident" for the purpose of this bill. Vote 20-0.

#### **Amendment (0203h)**

Amend RSA 106-I:1 as inserted by section 1 of the bill by replacing it with the following:

106-I:1 Notwithstanding any law to the contrary, a law enforcement officer who responds to a mass critical incident in another jurisdiction, in response to a request by the highest ranking on-duty police officer of the requesting jurisdiction, shall have authority to make arrests and shall have full police powers for the duration of the incident, unless terminated by the law enforcement authority in the requesting jurisdiction. The request for assistance must be received directly from the highest ranking officer or indirectly through a law enforcement dispatch center. For purposes of this section, a mass critical incident includes such events as a natural disaster, riot, hazardous material incident, an act of terrorism, or widespread personal injury or loss of life.

## AMENDED ANALYSIS

This bill grants the authority to make arrests and full police powers to any law enforcement officer who is requested by certain authorities to respond to a mass critical incident in a jurisdiction other than the jurisdiction which employs such law enforcement officer.

**HB 206**, relative to filing of complaints for violation-level offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill allows the electronic filing of complaints without the requirement for it being filed under oath. It provides that a statement shall be provided stating that making false statements may result in criminal prosecution. It further amends RSA 641:3 to include electronic statements in the law. This will allow police officers to utilize the computers and available data transfer systems to file complaints with the Department of Safety and the courts. When the officer appears in court, he testifies under oath. Vote 20-0.

**Amendment (0156h)**

Amend the bill by replacing all after the enacting clause with the following:

I Jurisdiction and Procedure; Complaints: Filings for Violation-Level Offenses. Amend RSA 592-A:7 to read as follows:

592-A:7 Complaints. Criminal proceedings before a district [~~or municipal~~] court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense [~~with which he is~~] charged, *provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense shall not require a signature or an oath. Any complaint filed electronically shall provide notice that making false statements on the complaint may result in criminal prosecution.*

2 Unsworn Falsification. Amend RSA 641:3 to read as follows:

641:3 Unsworn Falsification. A person is guilty of a misdemeanor if:

I. He *or she* makes a written false statement which he *or she* does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

II. With a purpose to deceive a public servant in the performance of his *or her* official function, he *or she*:

(a) Makes any written *or electronic* false statement which he *or she* does not believe to be true; or

(b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(c) Submits or invites reliance on any writing which he *or she* knows to be lacking in authenticity; or

(d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he *or she* knows to be false.

III. No person shall be guilty under this section if he *or she* retracts the falsification before it becomes manifest that the falsification was or would be exposed.

3 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill allows for the electronic filing of complaints for violation-level offenses without a police officer's signature or oath. The bill clarifies that the misdemeanor penalty for unsworn falsification applies to false electronic complaints.

**HB 212**, defining "terror" and "act of terrorism" for the purposes of criminal threatening. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: As stated in the analysis, this bill defines "terror" and "act of terrorism" as it applies to criminal threatening. During the hearings, the only opposition pertained to an irrelevant section of the original bill and that section was removed by the committee. Vote 19-0.

**Amendment (0079h)**

Amend the title of the bill by replacing it with the following:

AN ACT defining "terrorize" for the purpose of criminal threatening.

Amend RSA 631:4, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) As used in this section, "property" has the same meaning as in RSA 637:2, I; "property of another" has the same meaning as in RSA 637:2, IV.

(b) *As used in this section, "terrorize" means to cause alarm, fright, or dread in a reasonable person; the state of mind induced by the apprehension of hurt from some hostile or threatening event or manifestation, or the fear caused by the appearance of danger.*

#### AMENDED ANALYSIS

This bill defines "terrorize" for the purpose of criminal threatening.

#### **HB 223**, relative to the temporary removal of inmates. **OUGHT TO PASS**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill simply removes the requirement that the superior court be notified whenever an inmate is transferred for medical purposes for a period in excess of 24 hours unless the prisoner is not in custody of correctional officers. It further removes the requirement to obtain a superior court order for the inmate to be removed to attend court. Vote 20-0.

#### **HB 278-FN**, relative to certain acts of sexual assault. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill provides for a class A misdemeanor sexual assault when the actor engages in sexual penetration with a person other than his legal spouse who is 13 years of age or older and under 16 years of age when the age difference is 4 years or less. The committee felt that they should remove the section on coercion, force or intimidation, because of date-rape drugs, or other drugs that would have or could have affected the person's state of mind. Vote 19-1.

#### **Amendment (0165h)**

Amend RSA 632-A:4, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or less.

#### AMENDED ANALYSIS

This bill provides that an actor is guilty of class A misdemeanor sexual assault when, absent any act that would constitute aggravated felonious sexual assault, such actor engages in sexual penetration with a person other than a legal spouse who is 13 years of age or older and under 16 years of age where the age difference between the actor and the victim is 4 years or less.

#### **HB 522-FN**, relative to penalties for child pornography. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation is identical to HB 146-FN which was recommended inexpedient to legislate. Vote 19-0.

#### **HB 99**, relative to absentee ballot requests. **OUGHT TO PASS WITH AMENDMENT**

Rep. Natalie S. Flanagan for Election Law: This bill, as amended, offers the voters the opportunity to request an absentee ballot by facsimile. It is just one more step in making the process of voting easier for our citizens. Vote 15-2.

#### **Amendment (0032h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Provisions for General Election; Facsimile Application. Amend RSA 657:12 to read as follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state, the federal post card application form, or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15; if not, ~~he~~ *the clerk* shall refuse to certify as provided in RSA 657:16. *An application may be transmitted by facsimile to a town or city clerk.*



2 Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Provisions for State or Presidential Primary Elections; Facsimile Application. Amend RSA 657:13 to read as follows:

657:13 Provisions for State or Presidential Primary Elections. Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he *or she* is applying for a ballot of a political party, [he] *the person* shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he *or she* is applying for, the clerk shall refuse to certify as provided in RSA 657:16. *An application may be transmitted by facsimile to a town or city clerk.*

#### AMENDED ANALYSIS

This bill clarifies that an application for an absentee ballot may be transmitted by facsimile to a town or city clerk.

#### **HB 246**, relative to availability of absentee voting applicant lists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Derby for Election Law: This legislation would require that signatures of candidates or requests for absentee voter lists be acknowledged before a notary public or justice of the peace. The committee felt that this legislation would provide local employees with an increased comfort level as to the persons to whom they provide absentee voter lists. This legislation would also limit the potential for misuse of these lists for illegal purposes including but not limited to victimizing voters who will be out of town. Vote 16-1.

#### **Amendment (0072h)**

Amend RSA 657:15 as inserted by section 1 of the bill by replacing it with the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot *and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot* may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

#### AMENDED ANALYSIS

This bill permits persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot to obtain copies of absentee voter lists.

#### **HB 247**, relative to processing absentee ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The Election Law Committee has changed the time of processing absentee ballots three times. The committee believes a uniform time to open absentee ballots throughout the state is essential for those who want to be present for the processing of absentee ballots. Also it was noted that some towns do not open their polls until 11:00 a.m. and find a line of voters at the same time as necessary processing would take place. Vote 16-1.

**HB 148-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: It was felt that the decision to send renewal notices should be up to the individual boards. From a policy standpoint, this should be a matter of personal responsibility of the license holder to act appropriately in renewing his/her own license. Vote 16-1.

**HB 376**, establishing a committee to study the feasibility of performing eye examinations or eye screenings on children prior to enrollment in a public elementary school, public preschool program, or Head Start program. **INEXPEDIENT TO LEGISLATE**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The concerns raised in the testimony regarding detection of visual and eye function and problems are very important, and apparently are being met by current extensive and frequent evaluations by medical personnel prior to and during school years. No legislative study was felt to be necessary at this time. Vote 16-0.

**HB 393**, extending the reporting dates for certain study committees. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill simply extends the final reporting date on two different health studies. The first part extends the education of deaf and hard of hearing study committee. They have been meeting on a constant basis but their work requires more time and this bill allows that. The second is a commission that is currently studying the relationship of health and the environment. Again this extension allows for the work to be completed. Vote 14-0.

**HB 457**, establishing a committee to study the transportation needs of certain of the state's citizens. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt this bill had merit and was sympathetic to its goals. However, the committee felt that public transportation concerns could be better addressed at the county level. Regional planning commissions historically, have taken an interest in public transportation issues including services for the disadvantaged. Public transportation services and needs vary significantly in different areas of the state and require unique solutions. The committee learned that there are efforts on the county level to coordinate services. In addition, it was felt that the various jurisdictions in the state could utilize the expertise available in the Department of Transportation. Vote 16-1.

**HB 167**, relative to complaints against judges. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill amends RSA 494-A by requiring that all complaints against a judge, marital master, or clerk of court who have allegedly breached the Judicial Code of Ethics be directed to the independent Judicial Conduct Commission rather than to the court established Judicial Conduct Committee. Last term, the legislature placed into law a citizen majority Judicial Conduct Commission to receive, investigate and rule on complaints involving members of the judiciary who had breached the Code of Ethics. At the time that this bill passed, the legislature requested that the court dissolve its committee. The court did not dissolve its committee. There are two bodies hearing complaints. The Judiciary Committee believes that it is more economical for all complaints to be heard by one body. Further, by the independent commission hearing all complaints, the court will be released of the public perception that it is the judges hearing complaints against judges. Monies now spent by the Judicial Conduct Committee (in the court budget) should be diverted legislatively to the Judicial Conduct Commission to adequately deal with the anticipated increased workload. Vote 16-1.

#### **Amendment (0194h)**

Amend RSA 494-A:1 as inserted by section 1 of the bill by replacing it with the following:

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. *All complaints made against judges, as defined in RSA 494-A:2, IV, and clerks, as defined in RSA 494-A:2, I, shall be directed to the commission.* The commission shall be administered by an executive director, appointed under RSA 494-A:3.

#### **AMENDED ANALYSIS**

This bill clarifies the jurisdiction of the judicial conduct commission.  
Referred to Finance.

**HB 244**, relative to landowner liability for snowmobile accidents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Judiciary: This bill was originally written as a law to release a landowner allowing access for snowmobiles from liability. At the same time of the hearing, the sponsors introduced an amendment changing the bill to a study committee to explore the liability issues in a broader context. Vote 18-1.

**Amendment (0132h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study landowner liability for owners providing public access to snowmobile trails.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study landowner liability for owners providing public access to snowmobile trails.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Four members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study landowner liability for owners providing public access to snowmobile trails. The committee shall seek input, advice, and recommendations from:

I. Representatives from the insurance industry.

II. The New Hampshire Snowmobile Association.

III. The Society for the Protection of New Hampshire Forests.

IV. Landowners providing access to trails for snowmobile use.

V. The office of the attorney general.

VI. The department of resources and economic development, division of parks and recreation, bureau of trails.

VII. Attorneys familiar with landowner liability/ immunity/ insurance issues.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a study committee on landowner liability for owners providing public access to snowmobile trails

**HB 249**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: Because the content of this bill has been combined by the sponsor into another one of his bills, he requested that this bill be voted inexpedient to legislate and the proposal be considered in his other bill. Vote 16-0.

**HB 294**, relative to notification of abutting communities of ridge-line or above developments. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: Currently under RSA 36:55, a Planning Board has guidance and a definition of what development may have "regional impact." Examples of some possible regional impacts are number of dwelling units, proximity to neighboring community, transportation networks, anticipated emissions, proximity to aquifers or surface waters and shared municipal facilities. This bill would add "buildings which will rise above a ridge line 500 or more feet of any adjacent valley" to the examples of possible regional impact. If a

Planning Board determines that there is an impact, the possible affected communities are notified of the development. Testimony was received that this bill would affect all communities within eyesight of the proposed development since no distance or mileage limit was proposed. The implementation of this bill would severely limit the ability for a person to develop the land based on where the ridge line happened to be, may constitute a "taking" of land, and may decrease economic and residential development at the very time we need to encourage growth in New Hampshire. Vote 20-0.

**HB 253**, relative to the design build concept for certain projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill resulted from the recommendations of a study committee established by the previous legislature. The bill will enable the Department of Transportation to utilize the design-build concept for certain projects. The amendment limits the dollar amount of transportation improvement projects completed under this concept to \$1,000,000. Vote 19-0.

**Amendment (0186h)**

Amend RSA 228:4, I(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Statewide transportation improvement program projects with a cost not to exceed \$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems, may be developed and constructed utilizing the design build concept based on a request for proposal, provided that selection is based on an objective standard and measurable criteria for evaluation of the proposals.

**AMENDED ANALYSIS**

This bill allows the department of transportation to use the design build concept for certain projects provided that selection is based on an objective standard and measurable criteria for evaluation. Design build projects for the statewide transportation improvement program are limited to projects which do not exceed \$1,000,000.

This bill was requested by the department of transportation.

**HB 272-FN**, relative to a pilot study by the department of transportation restricting large truck traffic during hours of darkness on certain roads in Portsmouth. **INEXPEDIENT TO LEGISLATE**

Rep. Mark E. McConkey for Public Works and Highways: The committee sympathizes with the disruptive nature of tractor trailer activity on Ocean Road. The committee acknowledges the good work contained in the "Ocean Road Truck Routing Study" commissioned by the Rockingham Planning Commission. The consensus of the committee is that an additional study will conclude that less truck traffic is more desirable and therefore unnecessary. This problem is not unique to Ocean Road. Many communities would like to limit such traffic off state roads and away from their neighborhoods. In the past, towns have accepted state roads and then placed appropriate restrictions on those roads. This may be a remedy worth considering. Vote 15-3.

**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Holland for Public Works and Highways: The original bill emphasized the need to look at and review policy regarding leasing railroad property owned by the state and other issues. The amendment changed the number of members on the committee. The committee heard compelling testimony from representatives of surrounding towns and the lessee in another railroad location in the state of New Hampshire, and is convinced that the local towns feel helpless in voicing their opinions and/or input. Vote 19-0.

**Amendment (0197h)**

Amend the bill by replacing paragraph I of section 2 with the following:

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, at least one of whom shall be a member of the public works committee and at least one of whom shall be a member of the ways and means committee, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

**HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough. **OUGHT TO PASS**  
Rep. Leon S. Kenison for Public Works and Highways: This bill memorializes the agreement previously reached between the town of Hillsborough and the New Hampshire Department of Transportation, transferring two segments of NH Route 9 to town road status upon completion of the Hillsborough bypass (2002). It is expected both segments will primarily serve local traffic, thus appropriately will be added to the town highway system and be eligible for Block Grant Aid funding. Vote 16-0.

**HJR 1**, urging the department of transportation to provide sufficient time to resolve a dispute regarding certain portions of the Conway bypass project. **INEXPEDIENT TO LEGISLATE**  
Rep. William E. Leber for Public Works and Highways: This Resolution urges the Department of Transportation to take no further action regarding parts of Phase 5A including but not limited to awarding construction and other contracts seeking modifications of any and all permits necessary to remove the widening and driveway limitation parts of Phase 5A from the Conway bypass project. The Conway bypass project has a long history of studies and hearings, dating back to the 1970s Route 16 studies, to improve the safe and efficient travel north from the Spaulding Turnpike through Conway to Berlin. The Conway bypass project was approved in 1993, and permits obtained after many compromises and adjustments. It appears no one got all they wanted in the final project. However, the project was approved by the Army Corps of Engineers, and all the environmental interests with the phase constructions and restrictions to require certain parts of the project to be constructed in the order approved before going on to the next phase. So it is with Phase 5A, the widening of a short section of Route 16 to improve 5/16th of a mile and four intersections that are considered failed in the south end of North Conway. The efforts and discussion to change the widening project has delayed the contract from September approval to January 2003, when the Governor and Council approved it. The contractor is now ready to gear up for an early spring construction. The Army Corps of Engineers has responded to the sponsors of this Resolution that their request to change the project was considered, and decided that the public interest would not be served by modifying the permit to allow the bypass to proceed before improvement to Route 16, known as 5A, are completed. It was the sense of the committee that although it understands the concerns of the sponsors and the citizens who testified, to delay or disrupt the total project would not be in the best interest and greater benefit to the region. The Conway bypass has been in planning for decades and should go forward without further delay. Vote 17-0.

**HB 485**, relative to the membership on the invasive species committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry A. L. Parkhurst for Resources, Recreation and Development: This bill increases the number of members on the Invasive Species Committee from 9 to 11 to include the director of UNH Cooperative Extension and one to represent livestock owners and feed growers. This was supported by the New Hampshire Farm Bureau Federation and the New Hampshire Plant Growers Association. The Commissioner of Agriculture had no objection. The invasive species committee comes under the direction of the Department of Agriculture. Vote 16-0.

#### **Amendment (0212h)**

Amend the bill by replacing section I with the following:

1 Invasive Species Committee. Amend RSA 430:54, I to read as follows:

I. The invasive species committee is hereby established to advise the commissioner on matters relating to invasive species in the state. It shall consist of the following [9] *II* members:

- (a) The state entomologist.
- (b) The commissioner of environmental services, or designee.
- (c) The commissioner of resources and economic development, or designee.
- (d) The commissioner of transportation, or designee.
- (e) The executive director of fish and game, or designee.
- (f) The dean of the college of life sciences and agriculture of the University of New Hampshire, or designee.

*(g) The director of the University of New Hampshire cooperative extension, or designee.*

~~[(g) Three]~~ *(h) Four* persons appointed by the governor with the advice and consent of the executive council who shall each serve for a term of 3 years. One shall represent horticultural interests, one shall represent environmental interests, *one shall represent livestock owners' and feed growers' interests*, and one shall represent the general public.

**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill establishes a committee to study New Hampshire's options for reducing exhaust emissions from diesel engines. The committee heard from the Department of Environmental Services and the trucking association. Air emissions from stationary sources have been dramatically reduced in the past several years. The committee agreed that a comprehensive review of remaining air pollution sources was an important step. Vote 14-0.

**HB 132**, relative to state scholarships for orphans of veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: This bill expands eligibility for the veteran's orphan scholarship program to include veterans of the Persian Gulf War and other conflicts such as the invasion of Panama and Grenada. In addition, the bill makes technical changes to eligibility dates, bringing state law into agreement with federal law. Vote 13-0.

#### Amendment (0058h)

Amend RSA 193:19 as inserted by section 1 of the bill replacing it with the following:

193:19 Purpose of Appropriations. The sums appropriated under the provisions of this subdivision shall be used for the sole purpose of contributing to the payment of board, room rent, books and supplies, at college grade institutions, of children between the ages of 16 and 25 years, who are legal residents of the state at the time of application, whose fathers or mothers served in the armed services of the United States from April 6, 1917, to July 2, 1921; or from December 7, 1941, to December 31, 1946; or from June [25] 27, 1950, to ~~[July 27, 1953]~~ *January 31, 1955*; or from ~~[the initiation of American involvement in the Southeast Asian conflict to the final date of American withdrawal from that area]~~ *February 28, 1961 to May 7, 1975; or from August 2, 1990 through a final date of the Gulf War conflict to be prescribed by Presidential proclamation or law; or in any operation not otherwise covered by this section for which the Armed Forces Expeditionary Medal has been awarded to the veteran.* having since died from service connected disability so rated by the federal government and having been at time of death legal residents of the state.

#### AMENDED ANALYSIS

This bill corrects dates for the Korean conflict, establishes dates for the Southeast Asian conflict (Vietnam War), and makes the Persian Gulf conflict and certain service in other military operations eligible for purposes of the award by the postsecondary education commission of college scholarships to orphans of veterans.

**HB 318**, relative to trespassing on certain rail lines. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The intent of this bill was to post no trespassing signs every 300 yards along the railroad tracks where the speed limit is 45 miles per hour or greater. This involved about 30 to 35 miles of track not including where tourist train rides are held. The state owns 193 miles of line and none are greater than 45 miles per hour. This bill would place heavy fines on any hunter, snowmobiles, all terrain vehicle users and any person just enjoying our natural resources, who might just cross the railroad tracks. Let us not punish our citizens by fining them up to \$1,000.00 for simply crossing a railroad track. The committee suggests that the signage be done on a voluntary system and the state of New Hampshire and Guilford agreed saying that some signs have been placed, stolen and replaced. Vote 14-0.

**HB 435**, relative to certificates of registration upon transfer of a vehicle. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill requires that the person whose name is on the registration certificate retain that registration upon transfer of the vehicle. Currently, law requires the return of the certificate to the Department of Safety. Vote 14-0.

**HB 497, relative to inactive status licenses. OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: Currently, if your license is suspended or revoked for a medical or physical condition, you are not legally allowed to participate in a driver rehabilitation course. This bill would allow our citizens the ability to legally participate in these programs by establishing inactive license status. This bill would help facilitate a quicker return of a person's independence when they are deemed capable of having a drivers license again. Vote 13-1.

**HB 498, relative to 20-day vehicle registrations. OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: Currently, if you buy a car from a private person you may get a 20-day registration plate. It allows you time to get a permanent registration. You are only allowed one 20-day registration in a 12-month period. If you sell that car within a one year period, our current law states that vehicle cannot be given a 20-day plate with the new owner. This bill repeals that one sentence so that the new owner, if they wish, may obtain a 20-day plate. Vote 14-0.

**HB 530, prohibiting the sale of motor vehicles equipped with certain automatic door locks. INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the sale of a new vehicle equipped with automatic door locks. These cars are governed by federal standards. Cars are not and could not be built for New Hampshire only. Automatic locking doors are an option on some new vehicles. Automatic locking doors are easily unlocked by the touch of a button. Automatic door locks are a sense of security to most people who have them. Vote 14-0.

**HB 169, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. INEXPEDIENT TO LEGISLATE**

Rep. Kurt J. Roessner for Ways and Means: The committee concluded that there was insufficient need to study the feasibility of imposing a luxury sales tax and an amusement tax. Public hearing speakers opposed to such a study included a representative from the Lakes Region Association, which represents 350 attraction-oriented businesses. The testimony was that many of its members are already collecting rooms and meals taxes, and that the additional burden of an amusement tax on their customers would place an extreme hardship on their businesses. The Retail Merchants Association of New Hampshire was also represented and stated that two-thirds of retail sales are in border communities and that many large ticket items are sold to out-of-state purchasers. The association believes that the adverse impacts of such a sales tax has already been thoroughly studied. No one, other than the sponsor, spoke in favor of the legislation. Vote 19-0.

**COMMITTEE REPORTS****REGULAR CALENDAR****HB 260, relative to checklists used on election day. OUGHT TO PASS**

Rep. Andrew L. Dorsett for Election Law: This bill amends RSA 654:25, the statute related to the preparation of voter checklists, by allowing a municipality to omit a voter's mailing address and prepare a separate checklist for use at elections. The official checklist maintained by the supervisor's of the checklist of that municipality shall still include the voter's mailing address as well as the voter's place of residence. This amendment to the present law will allow a municipality to reduce the physical size of the checklist used at the polls. The majority of the committee believes that this would be helpful to cities and towns that have a large number of voters. Vote 9-6.  
Adopted and ordered to third reading.

**HB 305, relative to time allowed for voting. OUGHT TO PASS WITH AMENDMENT**

Rep. Harriet E. Cady for Election Law: This bill, as amended, removes the time limit that a voter may occupy a voting booth. The original bill extended the present limit from ten (10) to twenty (20) minutes and from five (5) to ten (10) minutes if all the voting booths are occupied. The majority of the committee believes that no time limit should exist, but instead the time for occupying a voting booth should be left to the discretion of the moderator. Vote 12-5.

**Amendment (0089h)**

Amend the bill by replacing section 1 with the following:

1 Time Allowed for Voting. Amend RSA 659:25 to read as follows:

659:25 Time Allowed for Voting. The voter shall mark and deliver [his] *the* ballot without undue delay and shall leave the enclosed space within the guardrail as soon as he *or she* has delivered

[his] *the* ballot to the moderator. No voter shall be allowed to occupy a voting booth already occupied by another voter nor be allowed to remain within the enclosed space more than ~~[10 minutes nor, if other voters are waiting to mark their ballots and all of the voting booths are occupied, be allowed to occupy a voting booth for more than 5 minutes]~~ *the time determined by the moderator.*

#### AMENDED ANALYSIS

This bill allows the moderator to determine the amount of time a voter is allowed to remain within the enclosed space.

Adopted.

Rep. Buckley spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

On a division vote, 235 members having voted in the affirmative and 122 in the negative, the report was adopted.

Ordered to third reading.

#### **HB 312**, relative to designating county delegates on state election ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY OUGHT TO PASS.**

Rep. Richard B. Drisko for the Majority of Election Law: The intent of this bill was to make the voters aware of the additional county responsibilities of the position of state representative by adding the "county delegate" title to the ballot. The committee felt that testimony showed that confusion would arise in the minds of the voters with this duplicate listing. Vote 12-4.

Rep. James R. Splaine for the Minority of Election Law: It is of value to the voters and the electoral process that the ballot clearly identify the offices for which candidates are running. It is also useful for the legislative process on the state and county levels for candidates and voters to know and understand the authority and obligations of the offices sought. This legislation is a win-win for all.

Rep. Splaine spoke against.

Rep. Stritch spoke in favor.

Rep. Weed spoke against and yielded to questions.

Rep. Drisko spoke in favor and yielded to questions.

Majority report adopted.

#### **HB 836**, certifying that John Coughlin was elected as county attorney for Hillsborough County at the 2002 general election. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J. Infantine for the Majority of Election Law: The majority of the committee is of the strong opinion that the power delegated to the General Court by Part 2, Article 71 allows the General Court to determine the manner in which elections for county officers are rectified. The General Court did so when it enacted RSA 665 which specifies which candidates may appeal to the New Hampshire Supreme Court from a ruling of the Ballot Law Commission. Candidates for county offices are not included in the law. The majority believes that this legislation is essential to carry out the General Court's obligations under Part 2 Article 71 to ensure that the right of the voters are carried out. The defeated candidate exercised his statutory rights to a recount and a full and fair Ballot Law Commission hearing. That process is now complete. The defeated candidate has exhausted his remedies, having received due process under the applicable constitutional provision and the laws of the State of New Hampshire. Vote 15-5.

Rep. Jane A. Clemons for the Minority of Election Law: The minority believes that the best interest of the people of New Hampshire is not served by HB 836. Passage of this bill creates an unavoidable constitutional crisis. The 2002 election for Hillsborough County Attorney is properly and appropriately before the State Supreme Court in accordance with laws passed by this legislature in 1979. Passage of this bill would destroy the right of a candidate to complete an appeal process this legislature established in law. Professor Marcus Hern of Franklin Pierce Law Center has noted the legislature "has the right to establish the rules of election in advance, but it cannot change the results of an election by a statute once an election has occurred". We are bound to preserve the balance of power among the branches of government. This legislature created the right of appeal to the Supreme Court. One of our fellow citizens is now exercising his right under that law. We should never interfere with his employment of the right guaranteed to him pursuant to RSA 665:6. In conclusion, the minority believes that the Supreme Court would never have accepted this if they did not have the appropriate constitutional authority and jurisdiction. We doubt that the author of the New Hampshire Constitution intended to discriminate against all candidates for county office by denying them due process and a proper process appeal.



**LAID ON THE TABLE**

Rep. Stritch moved that **HB 836**, certifying that John Coughlin was elected as county attorney for Hillsborough County at the 2002 general election, be laid on the table.

Adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**HB 90-FN**, relative to the costs incurred by the retirement system in evaluating proposed legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: Although well intended, and recommended by the retirement sub-committee, there was considerable discussion during the executive session. During the public hearing all persons who testified were opposed to the bill. One major stumbling block to this bill was the fact that determining the costs was not defined. Steps taken to determine costs in this type of legislation should have been spelled out more clearly. Vote 15-3.

Adopted.

**HB 241**, establishing a committee to study the creation of a separate board to regulate barbers. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: It was the feeling of the subcommittee that although we appreciate the concerns addressed by this bill, we feel that other options have not been exhausted. Further, we feel another consequence of the bill could be a reduction in current licensing standards for barbers, which the committee can not support. Vote 15-2.

Adopted.

**HB 375**, establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in preschools, primary grades, and childcare centers. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: This committee has previously considered the subject of psychotropic drugs including Ritalin and considers it an important subject. However, the committee felt that fundamentally, how and why psychotropic medications are prescribed is a private, professional decision by a physician with the informed consent of the patient or his family. If more study is needed, it should be conducted by trained researchers who have expertise in psychopharmacology. One obvious place to conduct this research would be a medical school or similar facility. Further, the committee recognized that if psychotropic drugs are being inappropriately prescribed, those practitioners should be reported to the appropriate professional licensing boards for corrective action. Vote 15-2.

Adopted.

**HB 463**, adding certain health care providers to certain statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter L. Batula for the Majority of Health, Human Services and Elderly Affairs: Each year the Health Committee receives bills requesting the legislature to expand the authority to various member groups in the medical field. House Bill 463 would extend the authority of physician assistants and licensed advance registered nurses, regarding the statutes on walking disability plates/placards, resuscitation orders and death records. Current law restricts these actions to physicians. The majority of the Health Committee has a strong belief that there exist a medical licensing board who has decided that the authority given to the physicians is based on their education and should not be expanded to other medical personnel via the legislature. The Health Committee has great respect for the licensed physician assistants and the registered nurses who are a vital role in the medical care profession, but we did not feel that we in the legislature should be determining the qualifications and should leave that accountability to those state boards qualified to make those important medical decisions. Vote 12-5.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: Advanced registered nurse practitioners currently enjoy plenary authority to assess, diagnose and prescribe. They often serve as the primary care provider for their patients. This bill would update three statutes to permit ARNP's to authorize handicapped plates and placards, certify death certificates and sign a patient requested written do-not resuscitate order. ARNP's currently have the education, competency, and scope of practice to perform the necessary assessments. Presently

these orders are often co-signed by a physician who has no independent knowledge of the patient. ARNP's serve a vital role in health care delivery in New Hampshire. Our laws need more accurately reflect actual current practice.

Majority report adopted.

**HB 78, relative to a landowner's liability for personal injury or property damage on sidewalks. INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: The committee was told that this bill was introduced in response to builders/developers who were reluctant to install sidewalks in developments because of liability issues. There was no other testimony addressing that point. Therefore, not only did the committee feel we should not legislate as a result of one circumstance, the committee felt the broader issue of limiting liability to all landowners with sidewalks on their property could jeopardize people's duty to maintain those sidewalks and create a worse situation. In addition, the committee felt the building of sidewalks is an issue that should be dealt with on the local level. Vote 16-4.

Adopted.

**HB 129-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Legislative Administration: This bill would change the registration fee for lobbyists who request solely to represent a non-profit entity. This bill would also add fees for the employers of a lobbyist. The committee researched the non-profit issue and found that many lobbyists represent "non-profits" and it is difficult at best to determine non-profit status between different employees. Each lobbyist is required to reveal who they are working for. While the fees have not increased recently, the majority of the committee did not feel this was a revenue bill, in fact an increase in fees would not be significant. With due respect to the sponsor we found this legislation ITL. Vote 12-2.

Adopted.

**HB 519-FN-A, relative to the conservation number plate trust fund. OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill refines RSA 261:97 to allow the New Hampshire Department of Transportation to plant lilacs (which is not a native plant) with part of the funds allocated to native wildflowers plantings. It was noted that much of the area where DOT plants is not suitable for native wildflowers. The bill allocates \$1.00 per "moose" registration, to a maximum of \$50,000 for the department or resources and economic development to promote conservation license plates. The agencies that receive the funds all agreed that this would be a benefit to the program. Finally, it removes the administrative cost cap on the funds received by the state conservation commission. These latter two steps would allow leveling and some predictability of funding from year to year, as well as aiding in the continued growth in sale of the plates. The fiscal note indicates that there is less than a \$10,000 impact per year through 2007. The amendment clarifies that the \$1 allocated to DRED applies to renewals as well as to new plates issued. Vote 17-0.

**Amendment (0196h)**

Amend RSA 261:97-b, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1, except as provided in paragraph 1- a, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting *lilacs and native wild flowers*; *\$1 for every new, renewal, and transfer of registration, up to a total of \$50,000, shall be placed in a nonlapsing account for use by the department of resources and economic development to promote the conservation number plate program*; the remainder shall be distributed equally among the department of cultural resources, the department of fish and game, the department of resources and economic development, the state conservation committee, and the New Hampshire land and community heritage investment authority.

## AMENDED ANALYSIS

This bill:

I. Permits funds distributed from the conservation number plate trust fund to the department of transportation for the expanded wild flower establishment program to be used for planting lilacs.

II. Distributes from the conservation number plate trust fund \$1 for every conservation number plate registration, up to a total of \$50,000, to a nonlapsing account for use by the department of resources and economic development to promote the conservation number plate program.

III. Eliminates the grant administration cost cap on transfers from the conservation number plate trust fund to the state conservation committee.\*

Adopted.

Referred to Finance.

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Russell A. Albert for the Majority of State-Federal Relations and Veterans Affairs: The Kashmir Conflict has been a threat to the stability of Southeast Asia for 56 years. It is now a potential "flashpoint" for nuclear war, which was imminent in November 2002, and conditions are again escalating between India and Pakistan. This bi-partisan resolution asks (1) That the US House and Senate to open hearings into the issues attendant to the Kashmir Conflict; and, (2) that all parties to the conflict to abide by the UN Charter on Human Rights. Vote 12-3.

Rep. Peter M. Sullivan for the Minority of State-Federal Relations and Veterans Affairs: The minority is concerned that only one side of this tragic dispute was brought before the committee. Serious questions regarding the involvement of international terrorist organizations, including Al-Qaeda, in the Kashmir Conflict remain unaddressed. While sympathetic to the sponsor's concerns about human rights abuses, the minority believes it is inappropriate to side with one party to this conflict at this time.

Majority report adopted.

## BILLS REMOVED FROM CONSENT CALENDAR

**HB 58**, requiring the department of transportation to study and report on the advantages of constructing state-owned truck service centers. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have required the Department of Transportation to study the availability of state-owned land along interstate highways, and the financial issues related to leasing state-owned service centers. It would also have, by inference, required a policy decision on whether or not the state should own service centers along our highways. Additionally, the bill would have required a study of any air pollution issues related to diesel engine exhaust. The majority of the committee felt that this study would not, even if the DOT and Department of Environmental Services could accomplish all the tasks set out in it, provide new information that would be useful to policy makers. Vote 11-7.

Rep. Shultis spoke against.

Rep. Kenison spoke in favor.

Adopted.

**HB 349**, relative to establishment and enforcement of speed limits. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would establish a policy against the use of speed traps and the setting of speed limits by municipalities. The term "speed trap" sounds as though law enforcement is doing something unlawful. This bill would take away the measure of enforcement, unmarked police cars and aircraft enforcement. There are "professional speeders" and they use radar to keep ahead of law enforcement, thus, the use of aircraft. Enforcement by air resulted in 800 speeding tickets being issued with 221 of them being speeds greater than 80 miles per hour. For this reason the Department of Safety opposed the bill. Another concern of the prime sponsor was speed limits on roads where there are multiple speeds set by municipalities without the state standard of an engineered traffic investigation. The Municipal Association opposed the bill because in effect it would force towns to spend money they do not have for traffic studies to change a speed limit in an area that they deem to be a reasonable and prudent speed for the conditions of the roads. Thus, the committee will continue to support law enforcement and the municipalities to do what they deem to be necessary to ensure the safety of our driving public. Vote 14-0.

Rep. Vachon spoke against.  
Rep. Packard spoke in favor.  
Adopted.

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 20, 2003 at 10:00 a.m.  
Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 159**, relative to meetings of the directors of nondepository trust companies.  
**HB 179**, establishing a committee to study enhancement of laws relating to vehicle pursuits.  
**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.  
**HB 206**, relative to filing of complaints for violation-level offenses.  
**HB 212**, defining "terrorize" for the purpose of criminal threatening.  
**HB 223**, relative to the temporary removal of inmates.  
**HB 278-FN**, relative to certain acts of sexual assault.  
**HB 99**, relative to absentee ballot requests.  
**HB 246**, relative to availability of absentee voting applicant lists.  
**HB 393**, extending the reporting dates for certain study committees.  
**HB 244**, establishing a committee to study landowner liability for owners providing public access to snowmobile trails.  
**HB 253**, relative to the design build concept for certain projects.  
**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property.  
**HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough.  
**HB 485**, relative to the membership on the invasive species committee.  
**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire.  
**HB 132**, relative to state scholarships for orphans of veterans.  
**HB 435**, relative to certificates of registration upon transfer of a vehicle.  
**HB 497**, relative to inactive status licenses.  
**HB 498**, relative to 20-day vehicle registrations.  
**HB 260**, relative to checklists used on election day.  
**HB 305**, relative to time allowed for voting.  
**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir.

### UNANIMOUS CONSENT

Rep. Robert J. LaFlam addressed the House.

### REMARKS

Without objection, the Speaker ordered the remarks of Rep. Robert J. Laflam be entered into the Permanent Journal.

Rep. Laflam: Thank you, Mr. Speaker. This past weekend, while attending a reunion with some old Army buddies I knew in the 50's in Germany, I turned on the television set to ABC's Wide World of Sports and the first thing I saw was a New Hampshire number plate. It was the world's skiing championships. In my past life in this legislature, I had the opportunity, with Sen. Patenaude, to present and write the "blurb" for the House calendar which established skiing as New Hampshire's winter sport. I proceeded to watch a young man named Bode Miller come from way behind and

win a gold medal in the world's combined skiing championship. We've got a hero! The same kid that pulled it out on a wild run in the last Olympics came through again for our state and really put us on the map.

So I would like to recognize this young man (being a past skier myself) as today's hero here in the State of New Hampshire. Thank you.

The Speaker noted that Bode Miller just won the giant slalom yesterday.

### **RECESS MOTION**

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 12:00 p.m.

### **RECESS**

**(Speaker Chandler in the Chair)**

### **COMMITTEE ASSIGNMENT**

Rep. Kevin L. Camm on Ways and Means.

### **RECESS**

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No.7

Thursday, February 20, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Creator of all, we ask Your blessing upon the work of this honorable House today as the blended voices of citizens in our beloved New Hampshire rise to govern fairly and compassionately.

In a world of tension and uncertainty, help us to keep our eyes clear and our hearts open as we seek to follow the prophet's admonition "to do justice, and to love kindness, and to walk humbly" with You.

As always, we especially ask Your protective blessing to be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Rep. Judson Dexter led the Pledge of Allegiance.

The National Anthem was sung by a quartet composed of Kathleen MacNeil, Janet Lee, Jeff Paveglio and Michael Kinson, seniors from Bow High School.

### LEAVES OF ABSENCE

Reps. Bleyler, Callaghan, Carlson, Clemons, David Cote, Dalrymple, Hutchinson, Lefebvre, O'Brien, Timothy Robertson and Tate, the day, illness.

Reps. Buckley, Jeffrey Carter, Creteau, Fitzgerald, Gargas, Jasper, Jones, Morris, Priestley, Reardon, Slack, Stepanek and Sweeney, the day, important business.

Reps. Julie Brown, Brundige and Langer, the day, illness in the family.

Rep. Souza, the day, death in the family.

### INTRODUCTION OF GUESTS

Patricia Barker, Crystal and Erica Skye Schaaf, wife, daughter and granddaughter of Rep. Barker. Eugene and Joan Mooney, Margaret and Elise Roy, Loretta and Jessica Edmonds, Sharon, Gregory, Diane and Alfred Porcaro III, Dean, Patricia, Ethan, Emily and Erick Christian, guests of Rep. Mooney. Fourth grade class from Newmarket Elementary School, guests of Rep. Karl Gilbert.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent, removed by Rep. Welch.

**HB 337-FN-A-L**, relative to state funding of county correctional facilities, removed by Rep. Cloutier.

**HB 428**, relative to limiting liability of vendors and property owners during the operation of a farmers' market, removed by Rep. Ahern.

**HB 574-FN**, relative to retail vehicle dealer registrations, removed by Rep. Greenberg.

**HB 579-FN**, abolishing all requirements for certificates of title for motor vehicles, removed by Rep. Marple.

Consent Calendar adopted.

**HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to clarify the intent of one section of the Uniform Commercial Code (UCC) pertaining to the enforceability of lost, destroyed or stolen documents. Recent court decisions have created uncertainty over the ability of lenders to enforce loan agreements when documents have been lost, or ownership of the loan has been transferred. This bill clearly establishes the validity and enforceability of the obligation so long as there is clear evidence that the transaction was consummated and documented. Vote 13-0.

**HB 430**, relative to the scope of family health insurance policies. **INEXPEDIENT TO LEGISLATE**  
Rep. Matthew J. Quandt for Commerce: This bill would mandate health insurance companies to cover unmarried children under the age of 28 who are part-time students. The bill does not define what a part-time student is. Current law defines full-time students as those who do not exceed 18 years of age. This bill would increase the age by a decade. There is another bill, HB 317, that will raise the age to 25, which is current practice of health insurance companies in New Hampshire, and will define full-time students. Age 28 would create problems because it splits the age banding law. The committee feels the greatest flaw in this bill, however, is that it would include part-time students covering part-time students creates numerous problems. Vote 15-0.

**HB 178**, relative to detention for violations of protective orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill originally came about as the result of an incident that resulted in a police department contacting the court for assistance on a unique violation of a protective order. The department and the officer(s) responding used great restraint and took more than reasonable caution in the execution and subsequent arrest of the defendant who is blind, confined to a wheelchair and was scheduled for medical treatment at 6:00 a.m. the following morning. The judge on call could have ordered an alternative to incarceration, but either did not feel it was necessary or felt that the law was silent on his ability to act. The amendment clearly indicates that under certain circumstances when there is a violation of a restraining order, a judge may order an alternative to detention upon request by the arresting officer when the health of the defendant would be jeopardized by incarceration. Vote 19-0.

#### Amendment (0159h)

Amend RSA 173-B:9, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, *provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment.* Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

#### AMENDED ANALYSIS

This bill allows a judge to order an alternative to detention pending arraignment if such detention would jeopardize the health of the defendant.

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill permits the district court to order the destruction of drugs in possession of a police officer, and requires the same record and reporting back to the district court as is required for the superior court, with the exception of the notification to the Drug Enforcement Administration as our district courts deal with misdemeanor drug offenses. Vote 19-0.

#### Amendment (0160h)

Amend the bill by replacing section 1 with the following:

1 New Paragraphs: District Court: Disposal of Drugs in Misdemeanor Controlled Drug Offenses.  
Amend RSA 318-B:17 by inserting after paragraph 1 the following new paragraphs:

1-a. The district court having jurisdiction over a misdemeanor controlled drug offense may order such controlled drugs forfeited and destroyed upon written motion. Such order shall not be entered until after the period for appeal of the offense has expired.

1-b. The district court shall require the same record and reporting of the officer who is destroying the controlled drugs as is required under paragraph 1 for the superior court, with the exception of notification to the Drug Enforcement Administration.

#### AMENDED ANALYSIS

This bill permits the district court to order the destruction of drugs in possession of law enforcement officers following the disposition of a misdemeanor controlled drug offense, after the period for appeal has expired and upon written motion.

**HB 215**, relative to expungement of records contained in the DNA database. **OUGHT TO PASS**  
Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was submitted as a house-keeping measure for the Department of Safety. This will provide for the expungement of the DNA record of a person whose criminal conviction has been reversed and the case dismissed unless the person already has a record in the database as a result of a criminal conviction for an offense which would require inclusion in the database. Vote 13-0.

**HB 291-FN**, establishing an enhanced penalty for assaults, sexual assaults, and related offenses against the elderly. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: The sponsors' concern is already covered in RSA 631:8 passed last July 16, 2002 after two years of study to offenses against the elderly 60 years old and older. The abuser can be charged with a Class B felony. RSA 651:6 allows for an extended term of imprisonment if the crime committed against a person with the intention of taking advantage of the victim's age or physical disability. There is no need for this bill. Vote 20-0.

**HB 333**, relative to sentences for first time offenders. **INEXPEDIENT TO LEGISLATE**

Rep. E. Albert Weare for Criminal Justice and Public Safety: Present law, RSA 651:2, allows the presiding judge wide discretionary powers in sentencing all offenders for most crimes regardless if the individual is a first-time offender or not. To limit or require judges to give a specific sentence for first-time offenders would severely limit the discretionary powers judges possess in awarding sentences and would be a questionable conflict of the separation of powers of the three branches of government. Vote 20-0.

**HB 374**, relative to a petition by an inmate for a suspended sentence. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill, relative to a petition by an inmate for a suspended sentence, was requesting to do something that is covered by RSA 651:20 now. The bill, although well intended, makes sweeping changes that are not necessary as indicated by testimony from the Attorney General's Office, the Department of Corrections, and the Victims Assistance Office. The Committee felt strongly that this bill is not necessary. Vote 20-0.

**HB 416**, requiring reciprocal discovery in criminal cases. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill as drafted would violate Part 1 of the New Hampshire Constitution as well as the 5th Amendment of the United States Constitution. The sponsor was the only person to testify in favor of the bill while the Attorney General's office and the NH Trial Lawyers Association both indicated that if passed, the bill would almost immediately result in an appeal to the Supreme Court on constitutional grounds. The committee felt that the bill would create a constitutional issue that would be impossible to support and recommended inexpedient to legislate. Vote 18-0.

**HB 487**, relative to protective custody of a person impaired by drugs. **OUGHT TO PASS**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is a direct result of a recent NH Supreme Court Decision where it ruled that a peace officer did not have the authority to place in protective custody a person under the influence of drugs, as he would have, if that person was under the influence of alcohol. Quoting from the opinion itself, "by its plain language, the statute therefore does not authorize the police to take individuals into protective custody if, in the police officer's judgment, the individual is under the influence of drugs." This bill rectifies the problem and places the protective custody bill for persons under the influence of drugs in the RSA's that deal with drugs. Vote 16-1.

**HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This is a housekeeping bill designed to mirror the motor vehicle law and makes operation of an OHRV after suspension of a person's driving privileges a misdemeanor if the suspension was for reckless driving, driving under the influence or negligent (vehicular) homicide. Vote 11-0.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget. **OUGHT TO PASS WITH AMENDMENT**



Rep. John R.M. Alger for Education: After extensive development over a period of years this bill offers a straightforward and simple manner for the budget of multi-town school administrative units (SAUs) to be voted on by the people after recommendation by the SAU board. Single district SAUs already have this opportunity so this bill allows votes of multi-town SAUs the same opportunity. Vote 18-1.

#### **Amendment (0253h)**

Amend RSA 194-C:9, III (a) as inserted by section 1 of the bill by replacing it with the following:

III.(a) For school administrative units composed of 2 or more town school districts, the budget adopted in paragraph I shall be placed before the voters of each school district of that school administrative unit at the annual school district meeting in a separate warrant article and adopted by majority vote of all the districts. Notwithstanding RSA 32 and RSA 40:13, the budget adopted by the school administrative unit board shall not be amended or changed in any way prior to the vote. If the budget is not adopted, the amount accepted shall be that of the previous year adjusted for continuing contracts. The vote of each town school district on this warrant shall be given by the respective town clerks to the superintendent of the school administrative unit who shall accumulate the total vote for all the towns and announce the result. Wording of the warrant article shall be as follows:

Shall the voters of \_\_\_\_\_ (name of town) \_\_\_\_\_ adopt a school administrative unit budget of \$\_\_\_\_\_ for the forthcoming fiscal year in which \$\_\_\_\_\_ is assigned to the school budget of this school district.

This year's adjusted budget of \$\_\_\_\_\_, with \$\_\_\_\_\_ assigned to the school budget of this town, will be adopted if the article does not receive the weighted majority vote of the school district voters in this school administrative unit.

#### **HB 363-L, relative to the funding formula for cooperative school districts. INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Education: This bill advocated a change in the method of apportioning costs in a particular cooperative school district. The committee felt this was more of a local matter which can be more appropriately addressed in the articles of agreement pursuant to current state law. Vote 14-0.

#### **HB 297, establishing an alternative nomination process for political organizations. INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: This bill offers an alternative process to nomination by a political organization. It decreases the threshold from 4% to 2% required to be a political party and decreases the requirement of 3% of voters in the last general election to just 7000 voters out of 500,000-600,000 voters to nominate an entire list of candidates for office in the state election. The present system requires 3% petitions. The committee feels the present laws have served us well and should be continued. Vote 13-4.

#### **HB 408, relative to the definition of political "party". INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to repeal the current definition of what constitutes a "political party". This repeal would relax the requirements now in statute. The majority of the committee felt that the current definition is fair and adequate. Presently, 4% of the last general election votes for governor or senator is required. This is fair and should be continued. This bill would eliminate all political parties and allow all groups to petition for the general election. Vote 13-4.

#### **HB 128, relative to the treatment of horses. OUGHT TO PASS WITH AMENDMENT**

Rep. Albert C. Cernota for Environment and Agriculture: This bill, supported by the Department of Agriculture, Markets and Food, is intended to address problems that have arisen due to misunderstanding and misinterpretation of RSA 435. This bill clarifies the duties of horse owners relating to the care, shelter and feeding of horses. The effective date has been amended to take effect upon passage. Vote 13-0.

#### **Amendment (0170h)**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

**HB 95**, establishing a committee to study the procedures of the state board of claims. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The sponsor did not appear at the hearing nor any other persons in support or opposition. Therefore, the committee did not feel this legislation was necessary at this time. Vote 17-0.

**HB 117-FN**, relative to the purchase of permissive service credit in the retirement system **INEXPEDIENT TO LEGISLATE**

Rep. Anne Marie Irwin for Executive Departments and Administration: In anticipation of federal legislation, which will resolve all portability issues, the committee unanimously voted to kill this bill. Another house bill is being retained which will address portability issue if enabling legislation is needed. Vote 17-0.

**HB 166**, relative to employees of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: House Bill 166 is a house-keeping bill for the retirement system. Since the mid 1980's, it has been clear that the retirement system is not an executive branch agency. Subsequent case law, statutory amendments and a constitutional amendment (36-a) have continually reaffirmed this. The Board of Trustees of the New Hampshire Retirement System has had full compensation authority for nearly two years and they have not abused it. Instead, they have used it judiciously and sparingly. The retirement system continues to work with the state director of personnel on all compensation issues and all retirement system employees continue to be compensated according to the classified employee pay scale. The sole intent of this bill is to resolve a conflict between RSA 100, which gives the board full power to hire and compensate classified employees and RSA 273, which grants the authority for collective bargaining with classified state employees exclusively to the executive branch of government. Passage of House Bill 166 will resolve the conflict between RSA 100 and RSA 273 that is created by the misuse of the word "classified". Like employees of the legislature, the court system, and the Pease Development Authority, employees of the retirement system will remain state employees, entitled to all the benefits to which state employees are entitled. This bill has no fiscal impact on retirement system funds, special account funds, general funds, or any other state funds. Vote 18-0.

**Amendment (0135h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Administration; Employees; Amend RSA 100-A:14, V to read as follows:

V. The board of trustees shall have the full power to employ and compensate such ~~classified~~ employees on such terms as may be necessary as charges upon the funds of the retirement system, *and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the retirement system shall not be classified employees of the state within the meaning of RSA 21-I:49. Notwithstanding, any individual employed by the retirement system whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the retirement system shall pay from its funds the state's share of such benefits. Any remaining costs of health, dental, and life insurance benefits which an individual elects to receive pursuant to this paragraph, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the retirement system.* It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve.

2 New Paragraph; Administrative Services; Personnel; Exception Added. Amend RSA 21-I:49 by inserting after paragraph VII the following new paragraph:

VIII. Personnel of the New Hampshire retirement system.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 201**, relative to the definition of the practice of dentistry. **INEXPEDIENT TO LEGISLATE**  
Rep. Joan H. Schulze for Executive Departments and Administration: The sponsoring organizations have requested that this bill be reported out as inexpedient to legislate so that they can work on another bill, which would better define their needs. Vote 18-0.

**HB 279**, relative to the licensure of emergency medical dispatchers. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would have required the licensure of emergency medical dispatchers. The sub-committee was presented with the fact that existing language already appears in law, stating that the director shall: license emergency medical care providers, emergency medical service units, emergency medical service instructor coordinators, emergency medical service training agencies, emergency medical service dispatchers and emergency medical service vehicles. The Commissioner is also directed to adopt rules, under RSA 541-A, relative to licensing. The subcommittee was assured by the director that rules would be promulgated in a timely fashion based on existing law. Vote 16-0.

**HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester. Vote 15-0.

**HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester. Vote 15-0.

**HB 322**, relative to the commission on the status of men. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee was informed, at the time of the public hearing, that the sponsor wished to withdraw the bill. The committee therefore killed the bill. Vote 14-0.

**HB 480-FN**, requiring the use of state credit cards for reimbursable expenses. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: This bill requires departments to develop and implement a plan for employees to use credit cards for reimbursable expenses. While we understand the sponsor's frustration with antiquated case reimbursement procedures, there exist credit card purchasing processes currently in some state departments. The bill to study efficiency in state government may address this issue, eliminating the need for this "narrowly" focused bill. Other bills in committee provide a vehicle to insure any remaining credit cards issues may be addressed if needed. Vote 19-0.

**HB 536**, relative to the name of the department of resources and economic development. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: The intention of the sponsor was to change the name in order to make the agency image come into the 21st century. The governor, in his budget address to the legislature, referred to DRED under the 21st century state government. This agency would come under the review of the central information office. Therefore, this bill is not necessary. Vote 18-0.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill extends the disability benefit for new employees in group II hired after July 1, 2003 through July 1, 2004. Ordinarily this is done in two-year increments. However, due to the lack of funds in the special accounts, the committee went to one-year increments in 2002. This is essentially a housekeeping bill. Vote 18-0. Referred to Finance.

**HB 327, establishing a committee to study the use of state vehicles. OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee felt that the use of state vehicles, the capital to purchase vehicles, and the expense of operating vehicles represented a significant demand on tax dollars and certainly should be studied. This study, unlike the three similar studies over the past two decades, will produce recommendations for legislation. Vote 18-1.

**HB 510, relative to public inspection of fish and game information on landowner permissions for hunting. INEXPEDIENT TO LEGISLATE**

Rep. Randy J. Perkins for Fish and Game: The primary sponsor did not want to proceed with this bill. There was no testimony for or against this bill. Vote 16-0.

**HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities. OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Frequently, vulnerable elderly and disabled individuals are cheated out of their savings by a variety of scams. Most often the money or other valuables are never retrieved. Individuals often do not report the crimes due to feelings of shame and fear, or because of confusion. The attorney general's office strongly supports this legislation as it allows for an opportunity to strengthen laws that deal with elderly and disabled individuals who are exploited. This bill provides for a commission that includes legislators, representatives of major departments, judiciary, law enforcement, banking and public guardianship. The commission will focus on preventive and educational efforts, as well as legal and ethical issues. Vote 17-0.

**HB 475, establishing a committee to study possible oversight of alternative health care practitioners. INEXPEDIENT TO LEGISLATE**

Rep. Pamela G. Price for Health, Human Services and Elderly Affairs: The intent of this bill is to study alternative health care practices which are becoming more common as a means of treatment. The committee was presented with over 20 alternative care measures which might fall under the scope of this study, many of which were unknown to the members. Some of the alternative providers are gradually becoming licensed, and thus are regulated. The committee was concerned with the scope of the study, and the lack of standards of operation and protocols on which to provide oversight. Thus, although the intent of the legislation is honorable, the committee felt that with the FDA closely monitoring the needed regulations, including a growing list of alternative care groups, the committee was not convinced that an oversight committee was appropriate at this time. Vote 15-0.

**HB 549, relative to parking for disabled persons. INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: With due respect to the sponsor of this bill, we as a committee agree that certain policies regarding the verification of walking disabilities placards, is a very important matter. Because further investigation and testimony given to the committee, we were convinced that these concerns and matters were currently being reviewed and discussed by the Governors commission on disabilities and the bill would duplicate their efforts. This was explained to the sponsor and he was fine with our decision to I.T.L. Vote 16-0.

**HB 113, relative to payment of attorneys' fees by the losing party in tort actions. INEXPEDIENT TO LEGISLATE**

Rep. Janet G. Wall for Judiciary: This bill would amend RSA 507 by adding a section requiring the losing party in a tort action to pay the prevailing party's attorney's fees. The committee voted unanimously to find this bill inexpedient to legislate because it shares the same basic deficiencies as each of the nearly identical such bills introduced regularly since 1989. The sponsor did not present any evidence showing that in the countries in which this rule is followed there is any reduction in caseloads or that the rule is in any way superior to the current American rule. The bill failed to allay concerns that only the wealthy will be in a position to pursue claims; and that all others with legitimate claims may be afraid to pursue them out of fear that even in meritorious cases, they may risk paying double attorneys fees. The committee believes that RSA 507:15 and court rules already adequately address the issue. Judges may use their discretion in awarding fees as justice may require. Vote 18-0.

**HB 324, relative to the Jaffrey-Peterborough district court and the Henniker-Hillsborough district court. INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Franklin for Judiciary: This bill changed the district court in which the town of Hancock would be located from Jaffrey-Peterborough to Henniker-Hillsborough district court. The sponsor reported that the town's selectman would not like to change at the present time and requested that the bill be voted inexpedient to legislate. Vote 15-0.

**HB 338**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would require attorneys to abide by a client's decision in regard to accepting a settlement offer. While the committee agrees with the bill's intent, the need for this is currently addressed in the Rules of Professional Conduct. This bill also requested a fine for the first offense and a six-month suspension for subsequent offenses. The committee had testimony that the Professional Conduct Committee would give a far more serious disciplinary action which the committee felt was more appropriate. In addition, most members felt attorneys are obligated in their own code of conduct to abide by their client's decision and do so. Vote 15-0.

**HB 348-FN**, relative to the compensation of jurors. **INEXPEDIENT TO LEGISLATE**

Rep. Richard W. Morris for Judiciary: This committee is unable to support or guarantee a uniform schedule of pay for jurors other than the flat fee of \$10 per half day, which presently exists. We do not favor one juror receiving more pay than another as was put forward in this proposed legislation. Already there is some disparity in compensation depending on whether a juror's employers continue one's salary or not as well as other juror-employer arrangements. We feel strongly that by allowing this particular legislation to go forward as presented that it would inevitably create additional inconsistencies in the current juror compensation package. We would prefer a simple approach minus this extensive schedule of formulas and calculations. Therefore we would recommend inexpedient to legislate. Vote 18-0.

**HB 449**, relative to disclosure of the amount of property taxes paid by a tenant's rent. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The purpose of this bill was to ensure that tenants were aware that a portion of their rent is used by the landlord to pay the property tax assessed on the property. The bill mandates that the landlord notify the tenant of his or her share of the rent going towards the property tax. The bill requires that standard accounting practices be used and the allocated property tax be proportional to the square footage of the rental unit. The bill does not take into consideration common property, garages or other elements associated with the rental unit in setting the amount. This bill offers some benefit but is overshadowed by the burden to the landlord. Vote 17-1.

**HB 484**, providing immunity for law enforcement officers who participate in state mentoring programs. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: The bill would grant immunity specifically for law enforcement personnel participating in the Department of Safety's mentoring program. The committee felt this was unnecessary and heard no testimony of any prior litigation that this would have addressed. Furthermore there were serious problems with the bill including immunity for criminal as well as civil acts. The committee has never granted immunity for criminal activity. The committee certainly supports the efforts of all mentoring programs but felt that their concerns relative to this bill were not warranted. Vote 18-0.

**HB 111-FN**, prohibiting employee polygraph examinations. **INEXPEDIENT TO LEGISLATE**

Rep. Lars T. Christiansen for Labor, Industrial and Rehabilitative Services: The sponsor requested that the Labor Committee kill the bill. The concerns that motivated the proposed legislation are largely addressed under the Federal Employee Polygraph Protection Act, US Code, Title 29, Chapter 22. The committee agreed with the sponsor's request. Vote 18-0.

**HB 108**, increasing the optional veterans' property tax credit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: The veterans standard and optional credit currently is somewhat confusing. The committee reorganized the language by repealing RSA 72:28, setting a clear "Standard Veterans" definition and increasing the "Optional Veterans" tax credit to the amount of no less than \$51.00 and no greater than \$500.00 upon adoption by a

town and city where the current optional credit is \$100.00. No deletions were made to the current law, RSA 72:28. A member of the committee believed that no limit or caps, i.e., \$500.00, should be imposed on a municipality. However, the committee as a body, felt otherwise. Vote 14-1.

### **Amendment (0115h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the adoption of an optional veterans' property tax credit.

Amend the bill by replacing all after the enacting clause with the following:

I Veterans' Tax Credit; Optional Credit Changed. RSA 72:28 is repealed and reenacted to read as follows:

72:28 Standard and Optional Veterans' Tax Credit.

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:28-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) "Spanish War" between April 21, 1898 and April 11, 1899;

(b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;

(c) "Boxer Rebellion" between June 16, 1900 and May 2, 1901;

(d) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(e) "World War II" between December 7, 1941 and December 31, 1946;

(f) "Korean Conflict" between June 25, 1950 and January 31, 1955;

(g) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(h) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal, and

(i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

2 Procedure for Adoption. Amend RSA 72:28-a to read as follows:

72:28-a Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA ~~[72:28, V and VI]~~ 72:28, II for an optional veterans' tax credit in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "~~Shall we adopt the provisions of RSA [72:28, V and VI] 72:28, II for an optional veterans' tax credit [and an expanded qualifying war service for veterans seeking the tax credit]? The optional veterans' tax credit [is \$100, rather than \$50] shall be [here insert amount from \$51 up to \$500].~~"

II. If a majority of those voting on the question vote "Yes", RSA [72:28, ~~V and VI~~] 72:28, II shall apply within the city or town on April 1 next following such vote for the tax year beginning on that date.

III. If the question is not approved, the question may later be voted upon according to the provisions of RSA 72:28-a, I.

IV.(a) Any town or city which has adopted RSA [72:28, ~~V and VI~~] 72:28, II may consider rescinding its action in the manner described in RSA 72:28-a, I(a) and (b). The wording of the question shall be the same as set out in RSA 72:28-a, I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", then as of April 1 next following the action taken to rescind, RSA [72:28, ~~V and VI~~] 72:28, II shall not apply within the town or city.

3 Reference Changed; Proration of Credit. Amend RSA 72:30 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate each such entitled person shall be granted a tax credit in proportion to his *or her* interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, *I or II* [~~or V~~], except as provided in RSA 72:31.

4 Reference Changed; Husband and Wife. Amend RSA 72:31 to read as follows:

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, *I or II* [~~and V~~].

5 Reference Changed; Special Number Plates. Amend RSA 261:86, I(c) and (d) to read as follows:

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA [72:28, ~~IV~~] 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA [72:28, ~~IV~~] 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

6 Reference Changed; Motor Vehicles; Exemption for Prisoners of War. Amend RSA 261:157-a to read as follows:

261:157-a Exemption for Prisoners of Wars. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA [72:28, ~~IV~~] 72:28, V, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

7 Reference Changed; Veterans Preference. Amend RSA 283:8, I and II to read as follows:

I. The term "armed forces" shall include those forces listed in RSA [72:28, ~~I~~] 72:28, IV.

II. The terms "in time of war" and "during any war" shall include all the terms used in RSA [72:28, ~~II~~] 72:28, V.

8 Effective Date. This act shall take effect April 1, 2003.

#### AMENDED ANALYSIS

This bill allows towns and cities to adopt an amount of the optional veterans' property tax credit from \$51 to \$500.

**HB 209**, relative to municipal budget committees, **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would take away the voting privileges of certain members of a municipal budget committee. The members eliminated would

be the members of the governing body, the member of the school board, and the member of each village district, if applicable. The committee did not see any compelling reason to change this law. There doesn't appear to be a universal problem with the present arrangement. Vote 14-1.

**HB 295**, relative to information filed with the regional planning commissions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Currently, when a local land use board determines that an application has regional impact, all affected municipalities and the regional planning commission are notified at least 14 days prior to the public hearing by certified mail. There is no requirement that the initial set of plans be forwarded to the regional planning commission. This bill, as amended, will require the applicant to submit an initial set of plans to each regional planning commission within the region of impact. Vote 16-0.

**Amendment (0116h)**

Amend the bill by replacing section 1 with the following:

1 Review Required; Initial Set of Plans. Amend RSA 36:56 to read as follows:

36:56 Review Required. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. *Upon determining that the development could reasonably be construed as having the potential for regional impact, the local land use board shall require the applicant to submit an initial set of plans to each regional planning commission within the region of impact.* Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

**AMENDED ANALYSIS**

This bill requires a local land use board reviewing a development of regional impact to require the applicant to submit an initial set of plans to each regional planning commission within the region of impact.

**HB 345**, relative to qualifications of elected town officers. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: This bill allows an elected town official who changes domicile to another New Hampshire town to remain in office for the duration of his or her term of office. The tradition of having an elected official be domiciled in the town or district one represents is strong in New Hampshire and one that the committee did not want to change. The committee also felt this would cause lack of interest, lack of participation and problems with quorums. Vote 15-0.

**HB 354-FN**, relative to dog license fees. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would more than double the registration fees of all dogs, whether spayed, neutered, or not. It would also double the fees for companion animal population control and for the support for the operation of the veterinary diagnostic laboratory. The original intent for licensing dogs was to cover the costs of "dog damage." Dr. McGinnis, the state veterinary, testified that there was more than sufficient funds to support the companion animal population control measures and the veterinary diagnostic laboratory, both of which he interacts with. Vote 17-1.

**HB 438-L**, relative to charging a disposal fee for temporary signs. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would have allowed a municipality to charge a fee for removing temporary signs, including political campaign signs, placed along highway rights-of-way within the municipality. The committee felt that the creation of a "sign police" by municipalities would create more problems than the bill was intending to solve. Vote 17-0.

**HB 556**, establishing a committee to study highway safety issues on New Hampshire Route 101 from Bedford to Keene. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony regarding serious safety concerns relative to Route 101 from Bedford to Keene. Several previous studies by



the towns of Bedford, Amherst, Milford and others by the Nashua and the Southern Regional Planning Commission, clearly set out both long and short-term improvement recommendations for this road segment. It was unanimously agreed that another study would not improve safety, and that only implementation of prior recommendations should be pursued. Vote 17-0.

**HB 560, making technical corrections to the New Hampshire Aeronautics Act. OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The Division of Aeronautics, Department of Transportation, requested amending RSA 422 in order to eliminate confusion regarding enforcement authority between state and federal authorities. There were other changes in prior legislation and this change was inadvertently left out. Vote 16-0.

**Amendment (0264h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Amend RSA 422 by inserting after section 28 the following new section:

422:28-a Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Any person who operates or attempts to operate an aircraft on the ground, on the public waters, or in the air in this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether the person is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug consent of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. The test or tests shall be administered at the direction of a peace officer having reasonable grounds to believe the person to have been operating, attempting to operate, or in actual physical control of an aircraft in this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

3 Penalties. Amend RSA 422:29, VI to read as follows:

VI. Any person who operates *or attempts to operate an aircraft* while under the influence of intoxicating liquor or of any controlled drug as prohibited by this chapter or 14 C.F.R. [~~section 91.11~~] *Part 91* as amended shall be guilty of a class B felony *and be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b, 1(c). Any conviction under this section shall be reported to the department of safety, division of motor vehicles and shall become a part of the motor vehicle driving record of the person convicted.*

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes implied consent to alcohol concentration testing and penalties for persons who operate or attempt to operate aircraft while under the influence of alcohol or controlled drugs. The bill also makes a technical correction to the prohibitions provision of the New Hampshire Aeronautics Act.

**HB 561, repealing the Uniform Aircraft Financial Responsibility Act. OUGHT TO PASS**

Rep. Edmond D. Gionet for Public Works and Highways: This bill as introduced at the request of the New Hampshire Department of Transportation, Division of Aeronautics, was discussed at length. Discussion revealed that the previous legislature had removed the important features of RSA 422-A, involving aircraft accidents, and was placed in the revised version of RSA 422. In addition, it has no teeth for enforcement, and as a matter of good housekeeping should be removed. Vote 16-1.

**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Public Works and Highways: This bill sets up a commission that will work together to implement the Master Plan that was developed over the last two years. The state is responsible for maintaining the beach area and the Hampton State Park which is the second largest revenue generator in the park system. The purpose is to keep all the various groups at the table talking and heading in the same direction while the plan gets implemented. As the major seacoast area in the state, Hampton Beach contributes a great deal of revenue for the general fund. As written, this bill would not require any state funding. Vote 18-0.

**Amendment (0300h)**

Amend RSA 216-J:5 as inserted by section 1 of the bill by replacing it with the following:

216-J:5 Hampton Beach Master Plan Fund. There is hereby established in the office of the state treasurer a fund to be known as the Hampton Beach Master Plan Fund which shall be kept separate and distinct from all other funds and shall be continually appropriated to the commission. Such fund shall be the depository of all gifts, grants or donations made to the commission pursuant to RSA 216-J:4. Implementation expenses, the expenses of the commission, its commissioners and any employees of the commission shall be paid from such fund. Any moneys in such fund shall not lapse into the general fund of the state.

Referred to Finance.

**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow. **OUGHT TO PASS**

Rep. Matthew J. Vallone for Public Works and Highways: This bill would reclassify Old Newport Road and the end of Main Street in the town of Marlow as Class V highways, transferring these two road segments to town road status. Both sections serve mostly local traffic, and it is, therefore, appropriate that they will be added to the town highway system. Both the town of Marlow and the Department of Transportation approve of this bill. Vote 17-0.

**HB 624-FN-A**, relative to appropriations to and revenues from the division of ports and harbors. **INEXPEDIENT TO LEGISLATE**

Rep. Saghir A. Tahir for Public Works and Highways: This bill would have required an appropriation of \$4 million dollars to purchase or lease certain equipment to load and unload ships at Portsmouth port from a fund appropriated in 1991 for the expansion of the port. The Pease Development Authority (PDA) and the Division of Ports and Harbors did not support this bill. The legislature gave authority to the PDA to manage ports and harbors only about a year ago. Committee members felt that the legislature should not interfere with the management of the affairs of the PDA and try to micromanage its business. Vote 18-0.

**HB 802-FN-A**, requiring the department of transportation to retrofit a highway rest stop to be a solar powered facility and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard L. Benn for Public Works and Highways: This bill as amended encourages the Department of Transportation to install a solar voltaic power system as a demonstration of state-of-the-art renewable energy technology at a highway rest stop. A significant educational display is anticipated as part of the project. This legislation authorizes the DOT to solicit and accept private funding and equipment contributions for the project. No state funds are allocated. Vote 17-0.

**Amendment (0306h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

Amend the bill by replacing section 1 with the following:

1 Highway Rest Stop; Solar Power Retrofit. The department of transportation is hereby encouraged to retrofit a highway rest stop to make it a solar facility for electric power and to make it a model facility to encourage energy efficiency and the use of renewable energy sources.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

## AMENDED ANALYSIS

This bill encourages the department of transportation to retrofit a highway rest stop with certain equipment to utilize the sun's energy for the electric power used at the facility.

**HB 462**, relative to the operation of ski craft within navigation channels. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: The sponsor introduced this bill primarily for the purpose of insuring safety on New Hampshire waterways. Changes to boating laws made during the 2002 Session, including phased-in boater education requirements, with proper enforcement, should achieve the safety concerns expressed by the sponsor. Vote 14-0.

**HB 539**, relative to dredging and filling in wetlands. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: The intent of HB 539 was to allow Boards of Selectmen and other community officials to issue cease and desist orders for wetlands violations thus relieving Department of Environmental Services (DES) personnel of some of their burden, and reacting more quickly to stop wetlands damage. Testimony indicated that DES was routinely able to investigate infractions with same day service, putting a qualified person on site. Since selectmen and others such as conservation commissions cannot act without a minimum 24 hour meeting notice, they could not act in a fashion more timely than DES. Questions were also raised about Article 28-a issues and ability of local officials to enforce, or oversee, remediation. It was noted that wetlands violations would most often involve a site plan violation, under which a code enforcement official could already issue a cease and desist order if necessary. Vote 11-4.

**HB 96**, relative to eligibility as a customer-generator. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The subcommittee found during discovery that though biofuel is another alternative in energy production, a mix with diesel would create other concerns with environmental issues and qualifications as to net-metering and marketing issues. Vote 16-0.

**HB 233**, relative to the nuclear planning and response program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill amends RSA 6:12, I (e) changing the state agency which collects fees for nuclear planning and response from the Public Utilities Commission (PUC) to the Department of Safety. The PUC no longer has jurisdiction in the facility as a result of deregulation. The committee agreed that the Department of Safety and the state Fire Marshal's Office were the appropriate groups to provide this function going forward. The committee also clarified interaction between interested parties involved in planning and response for the facility. Vote 18-0.

**Amendment (0210h)**

Amend the bill by replacing all after the enacting clause with the following:

1 General Revenue Exceptions; Nuclear Planning and Response Fund. Amend RSA 6:12, I(e) to read as follows:

(e) Fees ~~[certified]~~ *collected* by the ~~[chairman of the public utilities commission]~~ *department of safety* under RSA 107-B, which shall be credited to the New Hampshire nuclear planning and response fund.

2 Nuclear Planning and Response Program. Amend RSA 107-B:1 - 107-B:4 to read as follows:  
107-B:1 Nuclear Emergency Response Plan.

I. The director of *fire safety and* emergency management shall, in cooperation with affected local units of government, initiate and carry out a nuclear emergency response plan as specified in the licensing regulations of each nuclear electrical generating plant. The ~~[chairman of the public utilities commission]~~ *commissioner of safety* shall assess a fee ~~[from the utility]~~, as necessary, to pay for the cost of preparing, *maintaining, and operating* ~~[the]~~ *each* plan and providing equipment and materials to implement it.

II. The director of *fire safety and* emergency management shall conduct an annual review of ~~[the]~~ *each* nuclear emergency response ~~[plans]~~ *plan* for those municipalities located in ~~[the]~~ *an* emergency planning zone, as defined in Nuclear Regulatory Commission regulation Title 10, Code of Federal Regulations, Part 50.

**107-B:1-a Definition.** *In this chapter, "assessed entity" means the entity or entities which have applied to the Nuclear Regulatory Commission for a license to operate or are licensed to operate a nuclear electrical generating facility which affects municipalities under RSA 107-B:1, II.*

**107-B:2 Annual Emergency Response Budget.** *The municipalities in each emergency planning zone shall submit annually their emergency response budget to the director of fire safety and emergency management who shall provide a reasonable opportunity for public comment and consideration. The director shall also receive and review the appropriateness of any budget request from any other state agency necessary for radiological emergency preparedness as outlined in the relevant plan. The director shall then submit an approved total annual budget to the [chairman of the public utilities commission] commissioner of safety for assessment [against the utility or utilities] under RSA 107-B:3 and RSA 107-B:4. Prior to assessing the annual budget, the commissioner shall consult with the assessed entity and obtain its input into the budget.*

**107-B:3 Assessment and Reporting.**

I. *The cost of preparing, maintaining, and operating [the nuclear planning and response program] a nuclear emergency response plan shall be assessed against each [utility which has applied for a license to operate or is licensed to operate a nuclear generating facility which affects municipalities under RSA 107-B:1, H.] assessed entity in such proportions as the [chairman of the public utilities commission] commissioner of safety determines to be fair and equitable.*

II. *[Assessments under this section shall not be charged to the normal operating costs of any company before the issuance of an operating license] The commissioner of safety shall enter into a memorandum of understanding with each assessed entity that contains mechanisms to address budget compliance and periodic reporting, performance standards to ensure compliance with federal emergency preparedness requirements, and other topics as the parties deem appropriate.*

III. *Within 60 days after the close of the fiscal year, the commissioner of safety shall cause a report to be prepared and provided to the assessed entity detailing the use of the fees assessed during the prior fiscal year.*

**107-B:4 Collection of Assessment.** *The [chairman of the public utilities commission] department of safety [shall certify to the office of emergency management the amount to be assessed against each utility, and the office of emergency management] shall bill each [utility] assessed entity for the amount assessed against it. The bill shall be sent by registered mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the [office of emergency management] department of safety within 30 days after the receipt of the bill. If any [utility] assessed entity shall fail or refuse to pay the assessed fee within 30 days, the [chairman] commissioner shall add to the fee a late penalty fee and certify the amount of the delinquent fee and penalty to the attorney general for collection.*

**3 Authority in Radiological Emergency.** Amend RSA 107-B:6 to read as follows:

**107-B:6 Authority in Radiological Emergency.** *In the event of a radiological emergency at a nuclear electric generating facility where the [responsible utility] operator is unable to control the situation as necessary to protect public health and safety, the governor shall regulate the [utility] facility under RSA [107:6] 4:45-4:47.*

**4 Effective Date.** This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill transfers the responsibility for assessing fees under the nuclear planning and response program from the chairman of the public utilities commission to the department of safety. This bill also changes references to the director of emergency management to the director of fire safety and emergency management, and makes various other changes to the nuclear planning and response program.

**HB 239, prohibiting the disclosure of certain information by a public utility. INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill proposed limiting a public utility from releasing confidential customer information without customer permission. The committee learned that New Hampshire Public Utilities Commissions rule # 2004:08 meets all privacy parameters of the proposed legislation for electric and gas utilities. Telephone utilities are restricted by FCC's 1996 Telecommunications Act section 702 which states in part: that except as required by law or with written permission from the customer, a telecommunications carrier that receives or

obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose or permit access to individual identifiable customer proprietary network information in its provision of, (A) the telecommunication service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of a directory. Telephone subscribers can further restrict the listing or publishing of name and number if they choose. The committee concluded that existing rules and statutes meet or exceed the sponsor's goals with this legislation. Vote 18-0.

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: This bill makes changes to existing law necessary to facilitate the acquisition of Connecticut Valley Electric Company, Inc. (CVEC) by Public Service Company of New Hampshire. The State Of New Hampshire and CVEC have been in litigation concerning the implementation of industry restructuring for CVEC, which is the only non-municipal electric utility in New Hampshire that has not achieved a deregulation plan. CVEC customers pay some of the highest rates in the state as result of long-term power purchase contracts. The sale of CVEC assets and its franchise will resolve both issues. CVEC, Central Vermont Public Service, the Governor's Office, PSNH, PUC, City of Claremont and many New Hampshire agencies such as the Office of Consumer Advocate, Governor's Energy Office, Legal Assistance, and Community Services have all supported this acquisition. Upon acquisition, the benefits to CVEC customers will be a 20% rate decrease for residential, 19% rate decrease for small business and 12% decrease for large business customers. Financial and legal uncertainties will end for CVEC customers and the right to chose an independent energy supplier will be realized. PSNH rates will not rise as a result of the acquisition. The stranded costs absorbed by the acquisition will be recovered in approximately three months via the existing stranded cost recovery charge. The economic benefits of this acquisition are substantial and were a major consideration of the committee. Vote 13-0.

**HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee felt that the New Hampshire General Court should hereby urge the United States Congress to make the necessary changes concerning the co-payment of \$7.00 per prescription rather than each prescription refill and return to the \$2.00 co-payment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999. Vote 14-0.

#### **Amendment (0250h)**

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire hereby urges that the Congress of the United States make the necessary changes concerning the copayment of \$7 per prescription, rather than each prescription refill, and return to the \$2 copayment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Veterans Affairs, and to each member of the New Hampshire congressional delegation.

**HB 477**, establishing a 55 mile per hour speed limit on New Hampshire Route 9 from the Stoddard/Nelson town line to the Apple Hill road intersection in the town of Sullivan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill establishes a 55 mile per hour speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line to the intersection of Route 9 and Apple Hill Road in the town of Sullivan. This bill establishes a 45 miles per hour speed limit on Route 9 for ½ mile west of the Route 9 and Apple Hill Road intersection. This bill also increases the speed limit on New Hampshire Route 114 from north of Henniker to Bradford Village from 50 to 55 miles per hour. The sponsors of this measure made a compelling case for increasing the speed limit on this section of road. Photographs of the section of road in question revealed that after recent reconstruction the view is greatly enhanced and this section of road has been widened to increase both safety and visibility. Vote 15-0.

**Amendment (0249h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing certain speed limits.

Amend the bill by replacing all after the enacting clause with the following:

1 Speed Limit Established; New Hampshire Route 9 East of the Stoddard/Nelson Town Line to the Apple Hill Road Intersection in the Town of Sullivan. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line continuing westerly to the intersection of Route 9 and Apple Hill road in the town of Sullivan shall be 55 miles per hour.

2 Speed Limit Established; A Portion of New Hampshire Route 9 in the Town of Sullivan. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 9 in the town of Sullivan from the intersection of Route 9 and Apple Hill road westerly for ½ mile shall be 45 miles per hour.

3 Speed Limit Increased; New Hampshire Route 114 Between Henniker and Bradford Village. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 114 from the north of Henniker to Bradford Village shall be increased from 50 to 55 miles per hour.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a 55 mile per hour speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line to the intersection of Route 9 and Apple Hill road in the town of Sullivan. The bill establishes a 45 mile per hour speed limit on Route 9 for ½ mile west of the Route 9 and Apple Hill road intersection. This bill also increases the speed limit on New Hampshire Route 114 from north of Henniker to Bradford Village from 50 to 55 miles per hour.

**HB 602-FN, relative to vehicles with plow attachments. INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The prime sponsor testified that he wrote this bill in error because of freshman enthusiasm, and further recommended that the committee not pass the bill. The committee concurred. Vote 14-0.

**HB 687-FN, establishing adoption services number plates. INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: This bill establishes a special plate to promote adoption services. The reason for the inexpedient motion has nothing to do whether this committee supports adoption services or not. Passage of this bill would open up the door to each and every organization imaginable requesting special license plates. License plates serve one purpose only, and that is for law enforcement to properly identify the motor vehicle and its owner. States like Florida, Pennsylvania and Illinois have license plates for countless organizations that, in many cases, it is extremely difficult for law enforcement to properly identify the vehicle, and even the state in which the vehicle is registered. In addition, the sponsors of this bill have asked us to kill this bill for these reasons. Vote 15-0.

**HB 721-FN, establishing a marine preservation number plate. INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a marine preservation number plate to benefit habitat programs. The committee recognizes that there are many worthwhile organizations that could benefit from new revenue sources. However, the committee felt strongly that this is not the correct avenue to achieve this goal. The state of New Hampshire would become a pass through and bill collector for nonprofit organizations. This would be a strain on state resources for the benefit of a private nonprofit organization. Additionally, there would be no end of worthy organizations lining up to participate in number plate programs. The committee also recognizes that any additional special plates would greatly affect the sale of the conservation license plate (moose plate). Vote 15-0.

**REGULAR CALENDAR****HB 248, requiring the disclosure of information to victims in juvenile delinquency cases. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Gary C. Greenberg for the Majority of Children and Family Law: The committee majority felt that a victim should have the absolute right to know who the perpetrator was in a juvenile

delinquency proceeding at the time of arraignment. The majority felt that arrest was not an appropriate time for such required disclosure because the presumption of innocence still remained. Vote 11-4.  
Rep. Karen K. McRae for the Minority of Children and Family Law: The minority feels that the victim's rights to information outweigh the privacy rights of the perpetrator with respect to the victim. The current laws of confidentiality with respect to the public remain in force.

### Majority Amendment (0243h)

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquent Children; Court Sessions; Access to Information; Disclosure to Victim. Amend RSA 169-B:34, III to read as follows:

III. ~~(a)~~ At any time after the ~~[arrest]~~ *arraignment* of a juvenile ~~[or the service of a juvenile petition]~~, the following information regarding the juvenile ~~[may]~~ *shall* be disclosed to the victim, upon the victim's request, by a law enforcement agency or the prosecution:

- (1) Name.
- (2) Age.
- (3) Address.
- (4) Gender.
- (5) Offense charged.
- (6) Custody status.
- (7) *Adjudicatory status and disposition.*

~~[(b) The information under subparagraph (a) shall not be unreasonably withheld.]~~

2 Effective Date. This act shall take effect 60 days after its passage.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas I. Arnold Jr. for the Majority of Children and Family Law: This bill removes the court's discretion to make orders regarding the children's post-secondary education at the time of their parent's divorce. This would simply put these divorced parents on an equal footing with married parents as to exercise of discretion regarding funding of post-secondary education of their children. Vote 10-6.

Rep. Margaret D. Hallyburton for the Minority of Children and Family Law: The majority feels that the obligation to provide for a child's education after high school is not a proper consideration for the divorce proceeding. The minority feels that since financial planning for your children's college education occurs while they are still young, it is an appropriate subject area for court order at the time of divorce.

On a division vote, 279 members having voted in the affirmative and 66 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 310**, establishing a commission to study child support issues. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: The last comprehensive child support study was completed in 1995. While a departmental review was done with public comment in the interim, the federal government requires states to review their child support guidelines every four years in order to continue to receive matching funds. Vote 14-1.

Adopted and ordered to third reading.

**HB 135-FN-L**, relative to charter schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: This bill creates a 10-year pilot program of up to 2 charter schools per year with charter approval by the state board of education. It simplifies the existing law so we finally may get charter schools started to serve educational niches on either a local or regional basis without immediate cost to the local school districts because state grants are awarded on delayed attendance. The charter school can receive a bankable reimbursement anticipation note for early student payable in three years until attendance records catch up with the students. The local school board must approve transfers to a charter school of more than 5% of resident pupils in each grade. Vote 13-6.

Rep. Deanna P. Rush for the Minority of Education: The minority feels this bill needs additional work and could be considered an unfunded mandate under RSA 28-a. The lack of a fiscal note for this bill sets a dangerous precedent. The Department of Education indicates this bill may increase local expenditures by an indeterminable amount in FY 2004, and each year thereafter. The state also becomes the LEA (Local Education Authority) for special education students. This bill eliminates the local approval process and does not even provide for informational hearings. In addition, there is the issue of the 3 year log in the transfer of funds from the state.

Rep. Rush spoke against.

Reps. Hunt and Alger spoke in favor.

Reps. Burling and Jacobson spoke against and yielded to questions.

Rep. Peter Sullivan spoke in favor and yielded to questions.

Rep. Rush requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

## YEAS 242 NAYS 121

### YEAS 242

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhurst, Glenn	Holbrook, Robert	Laflam, Robert	Lawton, David
Nedeau, Stephen	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meader, David	Royce, H Charles
Smith, Edwin			

#### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Richardson, Herbert
Stohl, Eric	Tholl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cooney, Mary
Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Naro, Debra	Sorg, Gregory	Williams, Burton	

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Brassard, Paul	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carter, Mark	Cernota, Albert	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Hunter, Bruce	Infantine, William	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul	Lawrence, James



Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Sullivan, Peter

Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Vaillancourt, Steve

McElroy, Henry Jr  
Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Slocum, Lee  
Wheeler, James

McHugh, Claire  
Mooney, Maureen  
Pappas, Marc  
Ross, Lawrence  
Spiess, Paul  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Daniels, Eric  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Ouellette, Robert

Blanchard, Elizabeth  
Dunne, Christopher  
Hess, David  
Leber, William  
McCormick, Tom  
Soltani, Tony

Colcord, J D  
Field, William  
Kenison, Leon  
MacKay, James  
Nutter, Edward

Currier, David  
Foley, Albert  
Kennedy, Richard  
Marple, Richard  
Oliver, James

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Dearborn, Bruce  
Duffy, James  
Flanagan, Natalie  
Gilbert, Jeffrey  
Headd, James  
Introne, Robert  
Katsakiores, George  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Roessner, Kurt  
Smith, Paul  
Waterhouse, Kevin  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
DiFruscia, Anthony  
Dumaine, Dudley  
Flanders, John Sr  
Gilbert, Karl  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Manning, John  
Moore, Benjamin  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Weare, E Albert  
Wiley, Robert

Bishop, Franklin  
Carson, Sharon  
Dodge, Robert  
Dupuis, Roland  
Flayhan, Mary Lou  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Quandt, Matthew  
Scamman, Stella  
Stritch, C Donald  
Welch, David  
Winchell, George

Bridle, Russell  
Clark, Vivian  
Doyle, Christopher  
Fesh, Bob  
Francoeur, Sheila  
Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

### STRAFFORD

Albert, Russell  
Campbell, W Packy  
Harrington, Michael  
Newton, Clifford  
Taylor, Kathleen

Bemis, Alan  
Cataldo, Sam  
Hollinger, Jeffrey  
Scott, David  
Twombly, James

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Snyder, Clair  
Woods, Phyllis

Bickford, David  
Easson, Timothy  
Musler, George  
Spang, Judith

### SULLIVAN

Donovan, Thomas

Flint, Gordon Sr

Leone, Richard

Rodeschin, Beverly

### NAYS 121

### BELKNAP

Pilliod, James

### CARROLL

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Espies, Peter  
Pratt, John  
Weed, Charles

Batchelder, Robert  
Mitchell, McKim  
Richardson, Barbara

Dunn, James  
Parkhurst, Henry  
Tilton, Anna

Eaton, Daniel  
Pratt, Irene  
Webber, Amy

### COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

**GRAFTON**

Almy, Susan  
Hammond, Lee  
Solomon, Peter

Benn, Bernard  
Nordgren, Sharon

Densmore, Edward  
Scovner, Nancy

Ham, Bonnie  
Sokol, Hilda

**HILLSBOROUGH**

Balcom, John  
Craig, James  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Messier, Irene  
Pilotte, Maurice  
Sullivan, Jeffrey

Baroody, Benjamin  
Ford, Nancy  
Hawkins, Ken  
Konys, Christine  
Leach, Edward  
Movsesian, Lori  
Schulze, Joan  
Tahir, Saghir

Clayton, William  
Gorman, Mary  
Irwin, Anne-Marie  
Kopka, Angeline  
Malloy, Chris  
Palangas, Eric  
Shaw, Barbara

Cote, Peter  
Graham, John  
Jean, Claudette  
Kudalis, Debra  
McDonough-Wallace, Alice  
Pappas, Christopher  
Sullivan, Francis

**MERRIMACK**

Bouchard, Candace  
DeJoie, John  
Gile, Mary  
Osborne, Jessie  
Reed, Dennis

Bueggemann, Donald  
DeStefano, Stephen  
Hamm, Christine  
Owen, Derek  
Rush, Deanna

Clarke, Claire  
Fraser, Leo Jr  
Jacobson, Alf  
Perkins, Randy  
Seldin, Gloria

Davis, Frank  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

**ROCKINGHAM**

Allen, Mary  
Cooney, Richard  
Gould, Kenneth  
McEachern, Paul  
Robertson, Carl  
Vallone, Matthew

Blanchard, MaryAnn  
Corbin, Corey  
Kelley, Jane  
Norelli, Terie  
Shultis, Elizabeth

Casey, Kimberley  
Davidson, Robert  
Kobel, Rudolph  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Gillick, Thomas  
Langone, John  
Pitts, Jacqueline  
Tufts, J Arthur

**STRAFFORD**

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Vachon, Dennis

Heon, Richard  
Knowles, William  
Rous, Emma  
Wall, Janet

Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter

Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie

**SULLIVAN**

Allison, David  
Franklin, Peter

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the majority report was adopted.  
Referred to Finance.

**HB 378**, prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The education committee was generally sympathetic to the concerns raised by HB 378. However, there was no testimony heard in support of it. The committee felt that the NH Medical establishment should deal with the issues raised but the proposed legislation was inexpedient. HB 378 may raise question of equal enforcement under state law by delegating "policy" to each local school board. Further the bill would place a prohibition upon any non "health personnel" from recommending the use of psychotropic drugs for a pupil. It was felt that this prohibition would be unenforceable. Vote 13-5.

Adopted.

**HR 6**, relative to criteria for establishing house representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for the Majority of Election Law: This resolution clearly expresses the sentiment of the General Court regarding the goal of maximizing the number of single member districts in future redistricting within the parameters established by the New Hampshire Constitution.

In so far as circumstance permit, small towns and villages shall not be combined in electoral districts with substantially larger cities or towns. Electoral districts should reflect common interests and interaction in order to maintain the closeness of the people to their elected representatives. Vote 9-5. Rep. Benjamin Buckley for the Minority of Election Law: The bi-partisan minority believes that HR 6 is premature. The committee currently has several bills in its possession regarding redistricting. We believe that any redistricting should be handled as a package and not piece meal.

### Majority Amendment (0248h)

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, under part II, article 9 of the New Hampshire constitution, "There shall be in the legislature of this state a house of representatives, biennially elected and founded on principles of equality, and representation therein shall be as equal as circumstances will admit. The whole number of representatives to be chosen from the towns, wards, places, and representative districts thereof established hereunder, shall be not less than three hundred seventy-five or more than four hundred. As soon as possible after the convening of the next regular session of the legislature, and at the session in 1971, and every ten years thereafter, the legislature shall make an apportionment of representatives according to the last general census of the inhabitants of the state taken by authority of the United States or of this state. In making such apportionment, no town, ward or place shall be divided nor the boundaries thereof altered"; and Majority amendment adopted.

Reps. Weed and Dickinson spoke in favor.

Majority report adopted and ordered to third reading.

**HB 55**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter E. Bergin for the Majority of Executive Departments and Administration: This bill claims that the university system, the regional community-technical colleges, and the postsecondary education commission are giving preferential treatment to the recruiting, hiring, promotion and admission based on race, creed, color, sex or national origin. In 1974 the New Hampshire Constitution was amended to include the following wording in Part I Article 2 {Natural Right} "Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." It was put into the Constitution to make sure that any citizen of New Hampshire was not discriminated against. If a person was discriminated against based on Part I, Article 2, they could go to court under this article and be given legal due process. The sponsor of this bill claims that HB 55 would codify Part I, Article 2. We disagree as the Constitution already protects these inherent rights. Since 1974, there has not been one complaint or court case filed against the university system. In addition, during testimony and during subcommittee work, no evidence was given that showed preferential treatment was being given to admission of students in the state's university system, nor in the hiring and promotion of personnel in state agencies based on race, creed, color sex or national origin. Under the current federal executive order 11246 all public and private companies, institutions and university systems receiving federal funds must have an affirmative action plan. Currently, the University of New Hampshire has a diversity goal to recruit people of color in order to make its environment reflect society as a whole. It is not a quota system nor is it similar to the University of Michigan Law School weighted point system. It is a goal similar to the one currently being used by the Military Academy at West Point. HB 55 is trying to undermine Part I, Article 2 by using the words prohibiting preference. The Court could say that this is not the intention of Part II, Article 2 and declare HB 55 as unconstitutional. In addition, the words prohibiting preference could be applied to athletic scholarships, academic scholarships, legacies, financial aid, and in state versus out of state admissions. Presently, the US Supreme Court has the University of Michigan Law School case before it. When the decision is handed down in June it will clarify the equal protection clause. If at this time the legislature deems it necessary to clarify this decision, then legislation could be introduced. Over the last ten years New Hampshire has become a more diverse state and this will continue in the future. It would be unfortunate to deny students in the university system the opportunity to be prepared for the diverse world that they will enter into upon graduation. After reviewing the above, the committee voted inexpedient to legislate. Vote 17-2.

Rep. Margie Maybeck for the Minority of Executive Departments and Administration: This bill would codify Article 2 of the New Hampshire State Constitution, which states in part "Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." This article was passed by the house, senate and the voters in 1974. The bill also expands existing law by providing "No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, religious beliefs or affiliations, age, sex, or race. In addition, no person shall have any such employment action taken on account of such person's sexual orientation." This bill would extend the law to ensure these constitutional rights were also applied to other state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. It simply extends the law to ensure these groups receive the constitutional rights to which they are entitled.

Rep. Sorg spoke against.

Reps. Dexter, Gonzalez, DeJoie and Bergin spoke in favor.

Reps. Weyler and Harrington spoke against and yielded to questions.

Rep. Harrington requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 267 NAYS 97

### YEAS 267

#### BELKNAP

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald

### CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Royce, H Charles	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Stohl, Eric	Theberge, Robert	Tholl, John Jr

### GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Densmore, Edward	Dorsett, Andrew	Dudley, Terri	Gionet, Edmond
Giuda, Robert	Hammond, Lee	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	Williams, Burton

### HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin
Barry, J Gail	Beaton, William	Bergin, Peter	Brassard, Paul
Cail, Kenneth	Carter, Mark	Cernota, Albert	Christensen, D L Chris
Clayton, William	Cote, Peter	Coughlin, Pamela	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Haley, Robert
Hall, Charles	Hawkins, Ken	Hunter, Bruce	Infantine, William

Irwin, Anne-Marie  
Kopka, Angeline  
LaFlamme, Paul  
Malloy, Chris  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Shaw, Barbara  
Sullivan, Peter

Jean, Claudette  
Kudalis, Debra  
Lasky, Bette  
McDonough-Wallace, Alice  
Milligan, Robert  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Tahir, Saghir

Johnson, Lionel  
Kurk, Neal  
Leach, Edward  
McElroy, Henry Jr  
Mooney, Maureen  
Palangas, Eric  
Pilotte, Maurice  
Scanlon, Michael  
Sullivan, Francis  
Vaillancourt, Steve

Konys, Christine  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Moran, Edward  
Pappas, Christopher  
Reeves, Sandra  
Schulze, Joan  
Sullivan, Jeffrey  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Nutter, Edward  
Potter, Frances  
Wallner, Mary Jane

Blanchard, Elizabeth  
Colcord, J D  
DeJoie, John  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Osborne, Jessie  
Reed, Dennis

Bouchard, Candace  
Currier, David  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
MacKay, James  
Owen, Derek  
Rush, Deanna

Brueggemann, Donald  
Daniels, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Kenison, Leon  
McCormick, Tom  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Davidson, Robert  
Flanagan, Natalie  
Gillick, Thomas  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Smith, Paul  
Vallone, Matthew  
Zolla, William

Bishop, Franklin  
Casey, Kimberley  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Noyes, Richard  
Rausch, James  
Scamman, Stella  
Splaine, James  
Weare, E Albert

Blanchard, MaryAnn  
Coes, Betsy  
Dodge, Robert  
Francoeur, Sheila  
Gould, Kenneth  
Hughes, Daniel  
Katsakiores, George  
Langley, Jane  
Manning, John  
McMahon, Charles  
O'Neil, Michael  
Robertson, Carl  
Shultis, Elizabeth  
Stone, Joseph  
Welch, David

Bridle, Russell  
Cooney, Richard  
Doyle, Christopher  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Moore, Benjamin  
Pantelakos, Laura  
Roessner, Kurt  
Smith, Donald  
Stritch, C Donald  
Winchell, George

### STRAFFORD

Bemis, Alan  
Heon, Richard  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Berube, Roger  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Rous, Emma  
Spang, Judith

Grassie, Anne  
Kaen, Naida  
Musler, George  
Schmidt, Peter  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Leone, Richard

Cloutier, John  
Franklin, Peter  
Phinizy, James

Donovan, Thomas  
Harris, Joseph  
Rodeschin, Beverly

### NAYS 97

### BELKNAP

Ahern, Omer Jr  
Rice, Thomas

Boyce, Laurie  
Wendelboe, Fran

Laflam, Robert

Lawton, David

**CARROLL**

Hatch, Paul  
Stevens, Stanley

Kenney, Bettie

Merrow, Harry

Mock, Henry

**CHESHIRE**

Laurent, John

**COOS**

Pratt, Leighton

Richardson, Herbert

Woodward, David

**GRAFTON**

Alger, John  
Ham, Bonnie

Barker, Robert  
Ingretson, Paul

Eaton, Stephanie  
Maybeck, Margie

Gilman, G Michael  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Batula, Peter  
Buhlman, David  
Hagan, Barbara  
Haytayan, Harry Jr  
Lafamme, Charles  
McRae, Karen  
Wheeler, James

Allen, Timothy  
Bergeron, Jean-Guy  
Christiansen, Lars  
Hallyburton, Margaret  
Hinkle, Peyton  
Lawrence, James  
Ober, Russell III

Artz, Lawrence  
Bouchard, David  
Crane, Elenore Casey  
Hansen, Ryan  
Holden, Randolph  
Luebker, Bernard  
Price, Pamela

Balboni, Michael  
Bruno, Pierre  
Gibson, John  
Harrington, Paul  
Hopper, Gary  
McHugh, Claire  
Slocum, Lee

**MERRIMACK**

Field, William  
Marple, Richard  
Soltani, Tony

Foley, Albert  
Maxfield, Roy

Kennedy, Richard  
Oliver, James

Leber, William  
Ouellette, Robert

**ROCKINGHAM**

Allen, Mary  
Clark, Vivian  
Dumaine, Dudley  
Gilbert, Karl  
Packard, Sherman  
Varrell, Thomas  
Wiley, Robert

Bicknell, Elbert  
Corbin, Corey  
Dupuis, Roland  
Headd, James  
Putnam, Ed II  
Waterhouse, Kevin

Cady, Harriet  
DiFruscia, Anthony  
Fesh, Bob  
Introne, Robert  
Quandt, Matthew  
Weldy, Norman Jr

Camm, Kevin  
Duffy, James  
Flayhan, Mary Lou  
Itse, Daniel  
Tufts, J Arthur  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Easson, Timothy  
Scott, David

Bickford, David  
Harrington, Michael  
Twombly, James

Campbell, W Packy  
Hollinger, Jeffrey  
Woods, Phyllis

Cataldo, Sam  
Newton, Clifford

**SULLIVAN**

None  
and the majority report was adopted.

The House recessed at 12:10 p.m.

**RECESS****(Speaker Chandler in the Chair)**

The Speaker reconvened the House at 1:10 p.m.

**CACR 8**, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: This constitutional amendment would make the attorney general an elected office similar to the governor serving a two-year

term. The committee felt that this would politicize the position, as the candidates would have to raise monies to campaign. This could erode the impartiality of the position. Over the last 30 years, the state has had a number of outstanding attorney generals, one of which became a governor, another a justice on the US Supreme Court and another, a distinguished US senator. If it is not broken, why try to fix it. Vote 17-0.

Reps. Weyler and Phinizy spoke against.

Reps. Bergin and Hess spoke in favor.

Reps. Burling and DiFruscia spoke against and yielded to questions.

On a division vote, 273 members having voted in the affirmative and 74 in the negative, the committee report was adopted.

**HB 677-FN**, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill is a request of the study committee established in Chapter 37, laws of 2002 (HB 1131). It increases from 5 to 20 the number of preferred access seats for New Hampshire residents seeking to attend medical school, and allows individuals who have completed their medical education to reduce their outstanding medical education loan indebtedness for each year of practice in a medically underserved area of the state. Currently, New Hampshire residents who want to become physicians have access to 5 seats at Dartmouth Medical School. While the General Court is to be commended for reserving those 5 seats in the late 1970's, the committee felt that number should be increased to 20 to keep pace with New Hampshire's growing population and to address the growing physician shortage, particularly in the North Country. This bill is intended to provide preference for New Hampshire students by reserving a total of 20 seats divided among 3 medical schools. This includes retaining seats at the Dartmouth Medical School. The committee feels that this increase in reserved seats will provide easier access for all residents seeking entrance to medical school and will also alleviate the need of NH residents to become residents of other states to gain an edge as an in-state student for admission to medical schools. This legislation also provides for hospitals to pool Hospital Community Benefits monies, if hospitals so choose, to extend existing state and federal monies in providing for recruitment and for a loan repayment program. The committee was very impressed by the number of people and expertise of those who spoke in favor of this bill, and by the testimony presented from the joint study. That testimony, the success of a similar program in Maine that combines reserved seats with clinical rotations in family practice and rural health, and a loan repayment program for physicians who want to practice in underserved area, convinced the committee to unanimously vote ought to pass. Vote 17-0.

Adopted.

Referred to Finance.

**HB 194**, relative to appeals in landlord/tenant actions **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill allows a limited appeal from the district court to the superior court in a landlord/tenant case. Currently such appeals are forwarded directly to the Supreme Court. That court takes a very small amount of these cases and only on issues of law. The superior court has to consider the findings of the district court to be "prima facie lawful and reasonable" and the court must use the district court record unless the judge, in his/her discretion, needs additional evidence to correct the absence of the district court record. Any tenant appealing would be required to pay rent, in full, when due, during pendency of the appeal. Vote 15-4.

Adopted and ordered to third reading.

**HB 224**, granting immunity from liability to law enforcement officers executing involuntary emergency mental health admissions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Wheeler for the Majority of Judiciary: During the hearing there was no testimony that there is a problem. There have been no suits, and no disciplinary action because of an officer executing an involuntary mental health admission. While we are in support of the police in their extremely difficult job we felt this bill is totally unnecessary. We are hesitant to hand out immunity when there is no problem. We also have concerns about giving a whole patchwork of specific immunities that the general immunity, which the police already enjoy, will be compromised. We therefore recommend inexpedient to legislate. Vote 16-3.

Rep. Terri C. Dudley for the Minority of Judiciary: Director Sweeney of Police Standards and Training testified that his agency has recently been working with representatives from the mental health community to try to improve the training and response of police officers to the mentally ill. It is noted by Director Sweeney, "that under New Hampshire's laws on alcoholism and drug abuse, that a law enforcement officer taking a person into protective custody for public drunkenness, is immune from civil and criminal liability as long as their actions are reasonable and they are following the laws on public intoxication. We feel it is a serious gap in our laws that this protection is extended to an officer who brings someone in for detention or treatment for public intoxication, but not an officer who takes protective custody of a mentally ill person to bring them in for a mental status examination or serve an Involuntary Emergency Admission or Involuntary Non-Emergency Admission order issued through the mental health system. The passage of this bill will rectify that situation, place New Hampshire on par with other states that are taking enlightened efforts to encourage the police to deal sensitively with the needs of persons with mental illnesses." Police put their lives on the line each time they don a uniform. It is a fact that mental patients can sometimes become violent. A law that can further protect these public servants should be passed by this legislature.

Majority committee report adopted.

### **HB 308, adopting the uniform mediation act. INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The mediation process in New Hampshire has been most successful in reducing the disputes that go to court. It is used in civil cases including marital matters. The purpose of this bill is to have us adopt a Uniform Mediation Act. To date, no other state has adopted this act. In reviewing this extensive bill, the committee found that the major part of the bill was devoted to the issue of confidentiality of the testimony offered by witnesses. The committee was not convinced that any big problems now exist in the area of confidentiality that needed to be addressed at this time. Further, this bill specifically states that a mediator need not have any special qualifications. This bill, if passed, would void any contradictory provisions of any existing New Hampshire mediation law. Vote 14-2.

Rep. Jacobson moved Recommit to committee, spoke in favor and yielded to questions.

Rep. Rowe spoke against recommit.

Motion failed.

Report adopted.

### **HB 343, establishing a boundary commission to determine the boundary between New Hampshire and Maine. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the Majority of Municipal and County Government: This bill establishes a boundary commission to determine the boundary between New Hampshire and Maine, with special focus on the portion thereof constituted by the Piscataqua River. The bill's proponents offered persuasive testimony that, notwithstanding the U.S. Supreme Court decision of May 29, 2001, there are significant and substantive issues that remain unresolved. The amendment includes solicitation of information and testimony from Maine authorities. HB 343 does not seek further redress through the courts, nor does it expend additional state monies. The Municipal and County Government Committee believes the boundary commission can contribute to public awareness and understanding of the unresolved issues and possibly to a resolution acceptable to, and in the best interests of the people of the State of New Hampshire. Vote 10-2.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: While the committee heard passionate testimony concerning the boundary between Maine and New Hampshire, with a particular focus on the Piscataqua River boundary, the minority did not believe a boundary commission was likely to settle the issue. The State Attorney General's Office told the committee that there is no way this could get back before the U.S. Supreme Court. The only way the current boundary line could be changed is if New Hampshire and Maine reached agreement and then went to the U.S. Congress. The intent of this bill is admirable, but we cannot legislate Maine to go to the bargaining table with a New Hampshire commission.

### **Majority Amendment (0245h)**

Amend paragraphs III-V of section 3 of the bill by replacing them with the following:

III. Solicit information and testimony from the proper authorities in the state of Maine relative to the boundary between the 2 states.



IV. Provide recommendations regarding the perambulation of the boundary, as required under RSA 1.

V. Solicit such additional information and testimony as the commission deems necessary in the performance of its duties.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

### **HB 361-L, permitting municipalities to form regional water districts. OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill, as amended, would allow communities to form regional water districts. This is local enabling legislation. It creates a new political subdivision called a regional water district. The reason for formation of a regional water district is to permit the issuing of revenue bonds to the subdivision and establishing agreement language through a charter. RSA 53-A, "Agreements between Government Units" has been modified to include "regional water districts" along with RSA 33-B and specifically allows the newly formed district to issue revenue bonds or notes. There was some concern that there would not be any oversight of this new political subdivision and therefore there were no safeguards in place for the municipalities that make up this new district. The committee wanted to have some Public Utility Commission (PUC) oversight, at least at the beginning of the new district. Therefore the amendment has added that the regional water district will be considered a municipal corporation and for the first four years PUC will have rate oversight. The regional water district will also have to adopt and enforce quality of water standards always. This bill permits municipalities to form regional water districts and obtain municipal bonding, and subjects the entity to regulation by the public utilities commission. Vote 17-1.

#### **Amendment (0282h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 33-B:1, I to read as follows:

1. "Authorized officers" means the treasurer of a municipality *or regional water district* and the mayor or city manager of a city, the selectmen of a town, and the commissioners or comparable officers of a village district, *and the directors, commissioners, or other officers of a regional water district.*

2 New Paragraph; Definitions. Amend RSA 33-B:1 by inserting after paragraph III the following new paragraph:

III-a. "Governing body" means the board of selectmen in a town, the board of aldermen or council in a city or town with a council, the village commissioners in a village district, or the directors of a regional water district.

3 Definitions. Amend RSA 33-B:1, IV to read as follows:

IV. "Legislative body" means the city council of a city, and the voters present and voting at an annual or special meeting of a town or village district, *or the directors of a regional water district.*

4 Definitions. Amend RSA 33-B:1, VI and VII to read as follows:

VI. "Revenue-producing facilities" means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas and any other real or personal property or interests in a municipality *or regional water district* owned or controlled by the municipality *or regional water district*, from the operation of which revenues are or are expected to be derived by the municipality, *or regional water district.*

VII. "Revenues" means any rates, rents, fees, charges and other receipts and moneys held or to be received by or on behalf of a municipality *or regional water district* from or with respect to the construction, financing, operation and disposition of a revenue-producing facility and all rights to receive the same including, without limitation, rates, rents, fees, charges and other moneys received for the use or occupancy of the facility or any part thereof or any service provided thereby, repayments of loans made in respect of the cost of the facility, grants, loans and other contributions from any governmental unit or any other person for or in respect of proceeds of the lease, sale or other disposition of the facility or any interest therein; revenues shall not include any ad valorem taxes on the real estate and personal property comprising any revenue-producing facility.

5 New Paragraph; Definitions. Amend RSA 33-B:1 by inserting after paragraph V the following new paragraph:

V-a. "Regional water district" means an entity formed by agreement between government units pursuant to RSA 53-A, for the purpose of providing and assuring the provision of an adequate and sustainable supply of clean water.

6 Issuance of Revenue Bonds. Amend RSA 33-B:2 to read as follows:

33-B:2 Issuance of Revenue Bonds. A municipality *or regional water district* may issue bonds or notes under this chapter for construction of revenue-producing facilities. Bonds issued by a municipality *or regional water district* under this chapter shall not be deemed to be a pledge of the faith and credit of the state or of the municipality *or municipalities that are members of a regional water district*. Except as otherwise provided in this chapter, the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. ~~[The bonds]~~ *Bonds issued by a municipality* shall be issued in such amounts as the legislative body may authorize by a ~~[2/3]~~ vote as required under RSA 33:8 or 9, as applicable. *Bonds issued by regional water districts shall be issued in such amounts as the governing body may authorize pursuant to the regional water districts charter.* Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authorized officers, and shall mature at such time or times as may be determined by the authorized officers, except that no bond shall mature more than 40 years from the date of its issue or beyond the expiration of the expected useful life of the facilities being financed by the bonds as determined by the authorized officers. Bonds may be made redeemable before maturity at the option of the municipality *or regional water district* at such price or prices and under such terms and conditions as may be fixed by the authorized officers prior to the issue of bonds. The authorized officers shall determine the form and details and the manner of execution of bonds. The municipality *or regional water district* may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the authorized officers may determine. The provisions of RSA 33:11-a, 14 and 15 shall apply to bonds issued under this chapter.

7 Definition. Amend RSA 35-A:3, VI to read as follows:

VI. "Governmental unit" means any county, city, town, school district, village district or other body corporate and politic having the power either to levy taxes, or to provide for rates, charges, or assessments, whether established by general law or by special statute.

8 New Paragraph; Definition. Amend RSA 38:1 by inserting after paragraph IV the following new paragraph:

V. "Regional water district" means any regional water district formed pursuant to RSA 53-A, for the purpose of providing and assuring the provision of an adequate and sustainable supply of clean water.

9 Establishment, Acquisition, and Expansion of Plants. Amend the introductory paragraph of RSA 38:2 to read as follows:

Any municipality *or regional water district* may:

10 New Section; Regional Water Districts. Amend RSA 38 by inserting after section 3 the following new section:

38:3-a By Regional Water Districts. Any regional water district may initially establish such a plant after 2/3 of the members of the governing body of the district shall have voted affirmatively, and a majority of the constituent municipalities of the district by a majority vote of their legislative bodies have confirmed that vote. Such confirming vote shall create a rebuttable presumption that such action is in the public interest. If the vote is unfavorable, the question shall not be again submitted to the constituent municipalities within 2 years thereafter.

11 Public Agency Defined. Amend RSA 53-A:2 to read as follows:

53-A:2 Public Agency Defined. For the purposes of this chapter, the term "public agency" shall mean any political subdivision of this state or of any adjoining state and any quasi-municipal corporation, including but not limited to school districts, village districts, *regional water districts*, and special districts.

12 New Paragraph; Public Utility; Definitions. Amend RSA 362:4 by inserting after paragraph V the following new paragraph:

VI.(a) For purposes of this chapter, a municipal corporation shall include a regional water district.

(b) During the initial 4 years of its operation, if a regional water district seeks to alter rates other than in a manner that uniformly impacts all customers within the district, any municipality

that is a member of the regional water district may seek commission review of the proposed rate change. In order for the proposed rate change to take effect, the commission must determine that the proposed rates are cost-based and that they are not unduly discriminatory.

(c) A regional water district shall adopt and enforce quality of water service standards consistent with the commission's administrative rules.

13 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill permits municipalities to form regional water districts and obtain municipal bonding, and subjects the entity to regulation by the public utilities commission.

Adopted.

Rep. Boyce spoke against.

Rep. Patten spoke in favor.

Report adopted and ordered to third reading.

**HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy E. Easson for the Majority of State-Federal Relations and Veterans Affairs: While the concern for state and local sovereignty is noteworthy, this resolution jumps to a conclusion while seeking a committee to study the issue further. The majority also felt that states and localities are protected by the Eleventh Amendment and that previous decisions by international bodies have no teeth in the United States. Vote 12-1.

Rep. Cynthia P. Sweeney for the Minority of State-Federal Relations and Veterans Affairs: The minority believes that this resolution addresses many valid concerns raised by the expansion of international trade agreements. The needs and concerns of the people affected must be heard in all trade agreement negotiations.

Reps. Weed and Hinkle spoke against.

Reps. Easson and Peter Sullivan spoke in favor.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 297 NAYS 42

#### YEAS 297

#### BELKNAP

Ahern, Omer Jr  
Dewhirst, Glenn  
Lawton, David  
Russell, David

Allen, Janet  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Laffam, Robert  
Rice, Thomas  
Whalley, Michael

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

#### CHESHIRE

Dexter, Judson  
Laurent, John  
Mitchell, McKim  
Tilton, Anna

Eaton, Daniel  
Liebl, George  
Parkhurst, Henry  
Webber, Amy

Fish, Douglas  
Manning, Joseph  
Royce, H Charles

Hunt, John  
Meador, David  
Smith, Edwin

#### COOS

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

Poulin, Richard  
Woodward, David

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Eaton, Stephanie  
Maybeck, Margie  
Solomon, Peter

Alger, John  
Cooney, Mary  
Gionet, Edmond  
Naro, Debra  
Sorg, Gregory

Almy, Susan  
Densmore, Edward  
Giuda, Robert  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Dudley, Terri  
Ingbretson, Paul  
Sokol, Hilda

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Brassard, Paul  
Cernota, Albert  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gibson, John  
Greenberg, Gary  
Hansen, Ryan  
Hopper, Gary  
Konys, Christine  
LaFlamme, Paul  
Malloy, Chris  
McRae, Karen  
Mooney, Maureen  
Ober, Russell III  
Pilotte, Maurice  
Rowe, Robert  
Slocum, Lee  
Vaillancourt, Steve

Allen, Timothy  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Haley, Robert  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Lawrence, James  
McDonough-Wallace, Alice  
Mercer, Robert  
Moran, Edward  
Palangas, Eric  
Price, Pamela  
Scanlon, Michael  
Sullivan, Francis  
Wheeler, James

Arnold, Thomas Jr  
Barry, J Gail  
Bergin, Peter  
Cail, Kenneth  
Christiansen, Lars  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jean, Claudette  
L'Heureux, Robert  
Leach, Edward  
McElroy, Henry Jr  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Reeves, Sandra  
Schulze, Joan  
Sullivan, Peter  
Wheeler, Robert

Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Carter, Mark  
Cote, Peter  
Dionne, Kimberley  
Emerton, Larry  
Furman, Christine  
Graham, John  
Hallyburton, Margaret  
Holden, Randolph  
Johnson, Lionel  
Laflamme, Charles  
Lessard, Rudy  
McHugh, Claire  
Milligan, Robert  
Movsesian, Lori  
Pepino, Leo  
Ross, Lawrence  
Shaw, Barbara  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Daniels, Eric  
Field, William  
Hamm, Christine  
Kennedy, Richard  
MacKay, James  
Oliver, James  
Soltani, Tony

Bouchard, Candace  
Davis, Frank  
Fraser, Leo Jr  
Hess, David  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert  
Wallner, Mary Jane

Colcord, J D  
DeJoie, John  
Gile, Mary  
Jacobson, Alf  
Leber, William  
McCormick, Tom  
Reed, Dennis

Currier, David  
DeStefano, Stephen  
Hager, Elizabeth  
Kenison, Leon  
Lockwood, Priscilla  
Nutter, Edward  
Seldin, Gloria

**ROCKINGHAM**

Allen, Mary  
Bridle, Russell  
Casey, Kimberley  
Corbin, Corey  
Duffy, James  
Flanagan, Natalie  
Gilbert, Jeffrey  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II

Belanger, Ronald  
Cady, Harriet  
Clark, Vivian  
Davidson, Robert  
Dumaine, Dudley  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
Manning, John  
McMahon, Charles  
Packard, Sherman  
Quandt, Matthew

Bicknell, Elbert  
Camm, Kevin  
Coes, Betsy  
Dearborn, Bruce  
Dupuis, Roland  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
McCann, Richard  
Norelli, Terie  
Pantelakos, Laura  
Rausch, James

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dodge, Robert  
Fesh, Bob  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McEachern, Paul  
Noyes, Richard  
Pitts, Jacqueline  
Robertson, Carl

Roessner, Kurt  
Smith, Paul  
Tufts, J Arthur  
Weare, E Albert  
Winchell, George

Ruffner, Walter  
Splaine, James  
Vallone, Matthew  
Welch, David  
Zolla, William

Scamman, Stella  
Stone, Joseph  
Varrell, Thomas  
Weldy, Norman Jr

Smith, Donald  
Stritch, C Donald  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Harrington, Michael  
Kaen, Naida  
Newton, Clifford  
Snyder, Clair  
Woods, Phyllis

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Keans, Sandra  
Pelletier, Arthur  
Taylor, Katherine

Bickford, David  
Easson, Timothy  
Hollinger, Jeffrey  
Knowles, William  
Schmidt, Peter  
Taylor, Kathleen

Campbell, W Packy  
Grassie, Anne  
Johnson, Nancy  
Musler, George  
Scott, David  
Twombly, James

### SULLIVAN

Allison, David  
Leone, Richard

Ferland, Brenda  
Phinizy, James

Flint, Gordon Sr  
Rodeschin, Beverly

Harris, Sandra

### NAYS 42

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
Pratt, Irene

Batchelder, Robert  
Pratt, John

Dunn, James  
Richardson, Barbara

Espiefs, Peter  
Weed, Charles

### COOS

None

### GRAFTON

Hammond, Lee

Nordgren, Sharon

### HILLSBOROUGH

Adams, Jarvis  
Harrington, Paul  
Kudalis, Debra

Buhlman, David  
Hinkle, Peyton  
Lasky, Bette

Craig, James  
Irwin, Anne-Marie  
Luebker, Bernard

Gorman, Mary  
Kopka, Angeline

### MERRIMACK

Blanchard, Elizabeth  
Perkins, Randy

Brueggemann, Donald  
Potter, Frances

French, Barbara  
Rush, Deanna

Owen, Derek

### ROCKINGHAM

DiFruscia, Anthony

Shultis, Elizabeth

Weyler, Kenneth

### STRAFFORD

Hofemann, Roland  
Spang, Judith

Rollo, Deanna  
Vachon, Dennis

Rous, Emma  
Wall, Janet

Smith, Marjorie

### SULLIVAN

Burling, Peter

Cloutier, John

Donovan, Thomas

Harris, Joseph

and the majority committee report was adopted.

### BILLS REMOVED FROM CONSENT CAGNDAR

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation makes it a Class A misdemeanor for a person to without the specific consent of the person or persons entitled to privacy, disseminate any material acquired as a result of the violation of such privacy. Vote 15-0. Rep. Welch moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Criminal Justice and Public Safety.

### **HB 337-FN-A-L**, relative to state funding of county correctional facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Frederick W. King for Finance: The committee heard compelling testimony of the impact on county budgets for costs associated with inmates serving time for infractions of state laws. Given the fiscal impact and the uncertainty of state revenues the committee voted against passage of this legislation. Vote 20-0.

Rep. Cloutier spoke against.

Rep. Wheeler spoke in favor.

Rep. Nordgren requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 239 NAYS 96**

#### **YEAS 239**

##### **BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhurst, Glenn	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

##### **CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

##### **CHESHIRE**

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Royce, H Charles	Smith, Edwin

##### **COOS**

Brady, Mark	Guay, Lawrence	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

##### **GRAFTON**

Alger, John	Barker, Robert	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Solomon, Peter	Sorg, Gregory

##### **HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brassard, Paul
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carter, Mark
Cernota, Albert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Holden, Randolph	Hopper, Gary	Hunter, Bruce

Johnson, Lionel  
Laflamme, Charles  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Slocum, Lee  
Wheeler, James

Konys, Christine  
LaFlamme, Paul  
Luebker, Bernard  
Messier, Irene  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Sullivan, Francis  
Wheeler, Robert

Kurk, Neal  
Lawrence, James  
McElroy, Henry Jr  
Mooney, Maureen  
Ober, Russell III  
Price, Pamela  
Scanlon, Michael  
Tahir, Saghir

L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Palangas, Eric  
Reeves, Sandra  
Shaw, Barbara  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Field, William  
Kenison, Leon  
Lockwood, Priscilla  
Nutter, Edward  
Wallner, Mary Jane

Blanchard, Elizabeth  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Oliver, James

Currier, David  
Hager, Elizabeth  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Daniels, Eric  
Hess, David  
Leber, William  
McCormick, Tom  
Soltani, Tony

### ROCKINGHAM

Allen, Mary  
Carson, Sharon  
Corbin, Corey  
Duffy, James  
Flanagan, Natalie  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
Manning, John  
Noyes, Richard  
Rausch, James  
Scamman, Stella  
Stitch, C Donald  
Weare, E Albert  
Wiley, Robert

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Dumaine, Dudley  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
McCann, Richard  
O'Neil, Michael  
Robertson, Carl  
Smith, Donald  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Coes, Betsy  
Dodge, Robert  
Dupuis, Roland  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr

Camm, Kevin  
Cooney, Richard  
Doyle, Christopher  
Fesh, Bob  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Johnson, Nancy  
Newton, Clifford  
Woods, Phyllis

Bickford, David  
Easson, Timothy  
Keans, Sandra  
Scott, David

Campbell, W Packy  
Harrington, Michael  
Knowles, William  
Smith, Marjorie

Cataldo, Sam  
Hollinger, Jeffrey  
Musler, George  
Twombly, James

### SULLIVAN

Rodeschin, Beverly

### NAYS 96

### BELKNAP

Pilliod, James

### CARROLL

Dickinson, Howard

### CHESHIRE

Allen, Peter  
Pratt, Irene  
Webber, Amy

Batchelder, Robert  
Pratt, John  
Weed, Charles

Dunn, James  
Richardson, Barbara

Espiefs, Peter  
Tilton, Anna

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph

Almy, Susan

Benn, Bernard

Cooney, Mary

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin

Barry, J Gail

Cote, Peter

Craig, James

Desmarais, Vivian

Dionne, Kimberley

Gorman, Mary

Irwin, Anne-Marie

Jean, Claudette

Kopka, Angeline

Kudalis, Debra

Lasky, Bette

Malloy, Chris

McDonough-Wallace, Alice

McHugh, Claire

Milligan, Robert

Pilotte, Maurice

Schulze, Joan

Sullivan, Peter

**MERRIMACK**

Bouchard, Candace

Brueggemann, Donald

Colcord, J D

Davis, Frank

DeJoie, John

DeStefano, Stephen

French, Barbara

Gile, Mary

Hamm, Christine

Jacobson, Alf

Osborne, Jessie

Owen, Derek

Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Seldin, Gloria

**ROCKINGHAM**

Casey, Kimberley

Davidson, Robert

DiFruscia, Anthony

Gould, Kenneth

McEachern, Paul

Norelli, Terie

Pitts, Jacqueline

Putnam, Ed II

Shultis, Elizabeth

Splaine, James

Vallone, Matthew

Zolla, William

**STRAFFORD**

Berube, Roger

Grassie, Anne

Heon, Richard

Hofemann, Roland

Kaen, Naida

Pelletier, Arthur

Rollo, Deanna

Rous, Emma

Schmidt, Peter

Snyder, Clair

Taylor, Katherine

Taylor, Kathleen

Vachon, Dennis

Wall, Janet

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Leone, Richard

Phinizy, James

and the committee report was adopted.

Rep. Winchell did not vote and wished to be recorded in favor.

**HB 428**, relative to limiting liability of vendors and property owners during the operation of a farmers' market. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would limit the liability of property owners during the operation of farmers' markets to intentionally caused injury or damage, and that of vendors to willful, wanton or reckless conduct. In voting this bill inexpedient to legislate, the committee noted that all witnesses conceded that the liability concerns that inspired it are not based on any actual adverse experience, but on generalized fears of a perceived litigious environment. The committee believes it to be unwise to carve out areas of immunity where no actual problem has been shown to exist, and thereby tempt the gods of unintended consequences. The witnesses also expressed an inability to obtain insurance coverage. They also testified, however, that farmers' markets are a spreading and expanding phenomenon, and this, together with their acknowledged history of safe operation and an absence of lawsuits can confidently be expected to lead to the creation of a market for reasonably priced insurance, as it always has for new commercial enterprises. Vote 13-4. Rep. Ahern moved Recommit to committee and spoke in favor.

Rep. Allen spoke in favor.

Rep. Sorg spoke against and yielded to questions.

On a division vote, 92 members having voted in the affirmative and 241 in the negative, the motion failed.

Report adopted.



**HB 574-FN**, relative to retail vehicle dealer registrations. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would disassemble a good portion of the work that the Transportation committee has spent two years working on. During the 1997-1998 legislative session, the committee revised the dealer plate, transport, wholesale, utility and repair plate laws. Those revisions were done to contain the gross abuse that was happening in the car business. The Transportation Committee, Department of Safety and the New Hampshire Auto Dealers Association crafted a good set of laws that was fair to everyone in the business of selling cars. It protects both the large and small dealers. Repeal of the 1200 square feet rule would allow anyone who sells more than five cars a year the ability to obtain dealer slot. This could conceivably cost the cities and towns tens of thousands of dollars in registration fees, and again open up the automobile business to massive abuse once more. Vote 14-0.

Rep. Packard spoke in favor.

Adopted.

**HB 579-FN**, abolishing all requirements for certificates of title for motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would abolish all requirements for certificates of title for motor vehicles. In addition to not being able to know for sure if you are buying a stolen car or at the very least know the past history of your vehicle, the state would see a revenue loss of over 14 million dollars in the general fund and over 21 million dollars in the highway fund from Fiscal Year 2004 to Fiscal Year 2007. Vote 15-0.

Rep. Marple spoke against and requested a roll call; sufficiently seconded.

Rep. Letourneau spoke in favor.

The question being adoption of the committee report.

**YEAS 298 NAYS 35****YEAS 298****BELKNAP**

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Holbrook, Robert
Laffam, Robert	Lawton, David	Nedeau, Stephen	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
McConkey, Mark	Morrow, Harry	Mock, Henry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Richardson, Barbara	Royce, H Charles
Smith, Edwin	Tilton, Anna	Webber, Amy	Weed, Charles

**COOS**

Brady, Mark	Guay, Lawrence	Mears, Edgar	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cooney, Mary	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Maybeck, Margie	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Baroody, Benjamin	Barry, J Gail

Batula, Peter  
 Bouchard, David  
 Cernota, Albert  
 Craig, James  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Gonzalez, Carlos  
 Greenberg, Gary  
 Hawkins, Ken  
 Hopper, Gary  
 Johnson, Lionel  
 Kurk, Neal  
 Lasky, Bette  
 McHugh, Claire  
 Mooney, Maureen  
 Palangas, Eric  
 Price, Pamela  
 Scanlon, Michael  
 Sullivan, Peter  
 Wheeler, Robert

Beaton, William  
 Brassard, Paul  
 Christensen, D L Chris  
 Crane, Elenore Casey  
 Drisko, Richard  
 Ford, Nancy  
 Gorman, Mary  
 Hall, Charles  
 Haytayan, Harry Jr  
 Hunter, Bruce  
 Konys, Christine  
 L'Heureux, Robert  
 Leach, Edward  
 Mercer, Robert  
 Moran, Edward  
 Pappas, Marc  
 Reeves, Sandra  
 Schulze, Joan  
 Tahir, Saghir

Bergeron, Jean-Guy  
 Bruno, Pierre  
 Cote, Peter  
 Desmarais, Vivian  
 Elliott, Larry  
 Furman, Christine  
 Goulet, Maurice  
 Hallyburton, Margaret  
 Hinkle, Peyton  
 Irwin, Anne-Marie  
 Kopka, Angeline  
 Laflamme, Charles  
 Lessard, Rudy  
 Messier, Irene  
 Mosher, William  
 Pepino, Leo  
 Ross, Lawrence  
 Shaw, Barbara  
 Vaillancourt, Steve

Bergin, Peter  
 Carter, Mark  
 Coughlin, Pamela  
 Dionne, Kimberley  
 Fields, Dennis  
 Gibson, John  
 Graham, John  
 Hansen, Ryan  
 Holden, Randolph  
 Jean, Claudette  
 Kudalis, Debra  
 LaFlamme, Paul  
 Malloy, Chris  
 Milligan, Robert  
 Movsesian, Lori  
 Pilotte, Maurice  
 Rowe, Robert  
 Sullivan, Francis  
 Wheeler, James

### MERRIMACK

Anderson, Eric  
 Colcord, J D  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 Leber, William  
 Nutter, Edward  
 Owen, Derek  
 Rush, Deanna

Blanchard, Elizabeth  
 Currier, David  
 DeStefano, Stephen  
 Gile, Mary  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Oliver, James  
 Perkins, Randy  
 Seldin, Gloria

Bouchard, Candace  
 Daniels, Eric  
 Field, William  
 Hager, Elizabeth  
 Kenison, Leon  
 MacKay, James  
 Osborne, Jessie  
 Potter, Frances  
 Wallner, Mary Jane

Bueggemann, Donald  
 Davis, Frank  
 Fraser, Leo Jr  
 Hamm, Christine  
 L'Heureux, Stephen  
 McCormick, Tom  
 Ouellette, Robert  
 Reed, Dennis

### ROCKINGHAM

Allen, Mary  
 Carson, Sharon  
 Cooney, Richard  
 Dodge, Robert  
 Dupuis, Roland  
 Flayhan, Mary Lou  
 Gillick, Thomas  
 Hamel, Albert  
 Introne, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McKinney, Betsy  
 O'Neil, Michael  
 Rausch, James  
 Scamman, Stella  
 Stone, Joseph  
 Waterhouse, Kevin  
 Zolla, William

Belanger, Ronald  
 Casey, Kimberley  
 Corbin, Corey  
 Doyle, Christopher  
 Fesh, Bob  
 Francoeur, Sheila  
 Gleason, John  
 Headd, James  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 McMahon, Charles  
 Packard, Sherman  
 Robertson, Carl  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Weare, E Albert

Bishop, Franklin  
 Clark, Vivian  
 Davidson, Robert  
 Duffy, James  
 Flanagan, Natalie  
 Gilbert, Jeffrey  
 Gould, Kenneth  
 Hughes, Daniel  
 Johnson, Rogers  
 Langley, Jane  
 Manning, John  
 Norelli, Terie  
 Pantelakos, Laura  
 Roessner, Kurt  
 Smith, Paul  
 Vallone, Matthew  
 Welch, David

Cady, Harriet  
 Coes, Betsy  
 Dearborn, Bruce  
 Dumaine, Dudley  
 Flanders, John Sr  
 Gilbert, Karl  
 Griffin, Mary  
 Ingram, Russell  
 Katsakiores, George  
 Langone, John  
 McEachern, Paul  
 Noyes, Richard  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Splaine, James  
 Varrell, Thomas  
 Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
 Dunlap, Patricia  
 Hofemann, Roland  
 Keans, Sandra

Berube, Roger  
 Easson, Timothy  
 Hollinger, Jeffrey  
 Knowles, William

Bickford, David  
 Harrington, Michael  
 Johnson, Nancy  
 Musler, George

Cataldo, Sam  
 Heon, Richard  
 Kaen, Naida  
 Newton, Clifford

Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Woods, Phyllis

Rollo, Deanna  
Snyder, Clair  
Twombly, James

Rous, Emma  
Spang, Judith  
Vachon, Dennis

Schmidt, Peter  
Taylor, Katherine  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Leone, Richard

Burling, Peter  
Flint, Gordon Sr  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

### NAYS 35

### BELKNAP

Ahern, Omer Jr

Boyce, Laurie

Pilliod, James

Rice, Thomas

### CARROLL

Dickinson, Howard

Kenney, Bettie

### CHESHIRE

Pratt, John

### COOS

Poulin, Richard

### GRAFTON

Ingbreton, Paul

### HILLSBOROUGH

Buhlman, David  
Luebker, Bernard  
Slocum, Lee

Cail, Kenneth  
McDonough-Wallace, Alice

Christiansen, Lars  
McRae, Karen

Lawrence, James  
Ober, Russell III

### MERRIMACK

Kennedy, Richard

Marple, Richard

Soltani, Tony

### ROCKINGHAM

Bicknell, Elbert  
McCann, Richard  
Tufts, J Arthur

Camm, Kevin  
Putnam, Ed II  
Weyler, Kenneth

DiFruscia, Anthony  
Quandt, Matthew  
Wiley, Robert

Itse, Daniel  
Smith, Donald

### STRAFFORD

Campbell, W Packy

Scott, David

### SULLIVAN

Phinizy, James

and the committee report was adopted.

Rep. Winchell did not vote and wished to be recorded in favor.

### RESOLUTION

Rep. Hess offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 25-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.  
Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 25-FN-A**, making appropriations for capital improvements. (E. Smith, Ches 26: Public Works and Highways)  
Adopted.

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 62 and 67 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## **INTRODUCTION OF SENATE BILLS**

### **First, second reading and referral**

**SB 62**, relative to the application and enforcement of the state building code. (Municipal and County Government)

**SB 67**, relative to a report on municipal water needs. (Resources, Recreation and Development)

## **SENATE MESSAGE**

### **CONCURRENCE**

**HCR 16**, a resolution urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir.

## **SUSPENSION OF RULES**

Reps. Hess and Burling moved that House Rule 43a be so far suspended as to allow public hearings and meetings to be held Friday, February 21, 2003 for the following Bills:

**HB 70**, establishing a commission to study government actions that contribute to involuntary homelessness.

**HB 342**, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act.

**HB 384**, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act.

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

**HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles.

**HB 506**, establishing a committee to study the retention of membership fees in health clubs.

**HB 481**, prohibiting unfair trade practices in the production and sale of milk and dairy products.

**HB 613-FN-L**, relative to incineration and air quality.

**HB 609-FN-A**, relative to public interest payphones.

**HB 330**, relative to public utilities mergers and acquisitions.

**HB 331-FN**, relative to discovery in public utilities commission proceedings.

Reps. Burling, Owen and Phinizey spoke to the motion.

Adopted by the necessary two-thirds.

## **RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

## **LATE SESSION**

### **Third reading and final passage**

**HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.

**HB 178**, relative to detention for violations of protective orders.

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers.

**HB 215**, relative to expungement of records contained in the DNA database.

**HB 487**, relative to protective custody of a person impaired by drugs.

**HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget.

**HB 128**, relative to the treatment of horses.

**HB 166**, relative to employees of the New Hampshire retirement system

**HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system.

**HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

**HB 327**, establishing a committee to study the use of state vehicles.

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities.

**HB 108**, relative to the adoption of an optional veterans' property tax credit.

**HB 295**, relative to information filed with the regional planning commissions.

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act.

**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow.

**HB 802-FN-A**, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

**HB 233**, to the nuclear planning and response program.

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring.

**HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans.

**HB 477**, establishing certain speed limits.

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases.

**HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

**HB 310**, establishing a commission to study child support issues.

**HR 6**, relative to criteria for establishing house representative districts..

**HB 194**, relative to appeals in landlord/tenant actions.

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine.

**HB 361-L**, permitting municipalities to form regional water districts.

## UNANIMOUS CONSENT

Reps. Jacobson and Wendelboe addressed the House

Rep. Thomas moved that their remarks be printed in the Permanent Journal. The Speaker so ordered.

Rep. Jacobson: Thank you, Mr. Speaker. Yesterday marked the 58<sup>th</sup> anniversary of the Battle of Iwo Jima and I come again to honor those who served with me in the Battle of Iwo Jima. You know, we live in a changing world that may not necessarily be for the better. One of the things that I discovered the other day was that there were sixteen and a half million who served in the armed services; now there are less than 5 million. So more than 70 percent of our veterans have now gone to their reward and every day the number grows. As some of you know, I like pretty girls. As a young Marine, along with other Marines, we used to whistle at them and they would smile and wave back. Not today. I just read an article that in New York, a bunch of guys whistled at a girl and she promptly went to the police station and accused them of sexual harassment. Indeed, our structure is changing. Last night there was a claim made that we are becoming a nation that fears, be it biological war, chemical war, nuclear war. Now that would have been strange to my fellow Marines because they did, and I do, believe in a vibrant, strong, free and independent United States of America. And with that in mind, I simply want to say that I give all due honor to those more than 7,000 Marines who, on Iwo Jima, gave of the total of their lives and today, you and I still enjoy the benefits that they preserved for us, and I hope we can continue to do the same. Thank you.

Rep. Wendelboe: Thank you, Mr. Speaker. I would like to, on behalf of the entire body, and I think everybody will agree with me, this is my seventh time hearing Rep. Jacobson's comments about

Iwo Jima. I hope I hear him many more years to come. But I have to tell you, last summer in my travels, I came across, at a veterans' conference, a memorial commemorative pin of Iwo Jima. I would like you to join with me today in acknowledging our thanks. I wasn't at Iwo Jima and I think most of, probably all of you weren't there, but I would like to thank Rep. Jacobson for keeping us aware and making us remember and I hope he wears this with honor.

Rep. Jacobson: I just want to say that this pin is a pin that was made famous on Iwo Jima on the top of Mount Suribachi. Thank you all.

### **RECESS MOTION**

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:35 p.m.

### **RECESS**

**(Rep. Alger in the Chair)**

### **RESOLUTION**

Rep. Lars Christiansen offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF HOUSE BILL**

#### **First, second reading and referral**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Kurk, Hills 48; Green, Dist 6: Finance)

### **RECESS**

**(Rep. MacKay in the Chair)**

### **RESOLUTION**

Rep. Peter Sullivan offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF HOUSE BILL**

#### **First, second reading and referral**

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 48; Green, Dist 6: Finance)

### **RECESS**

**(Rep. Hunt in the Chair)**

### **RESOLUTION**

Rep. Patten offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 22, 39, 41, 43, 44, 51, 53, 56, 57, 104 and 172 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF SENATE BILLS**

#### **First, second reading and referral**

**SB 22**, amending the duties of the public higher education study committee. (Education)

**SB 39**, relative to the results of a preliminary breath test as evidence in court. (Criminal Justice and Public Safety)

**SB 41-FN**, relative to the installation of airbags. (Transportation)

**SB 43**, relative to archives and records management. (Executive Departments and Administration)

**SB 44**, relative to penalties for vehicle dealers. (Transportation)

**SB 51-FN**, relative to membership on the New England Board of Higher Education. (Education)

**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board. (Labor, Industrial and Rehabilitative Services)

**SB 56-FN**, relative to parking for persons with disabilities. (Transportation)

**SB 57-FN**, relative to certain accounts within the fish and game fund. (Fish and Game)

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. (Health and Human Services & Elderly Affairs)

**SB 172-FN**, increasing certain fees charged by the secretary of state. (Ways and Means)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 8

Thursday, March 6, 2003

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Good and gracious God, we especially remember before You today Rep. Natalie Flanagan and also Rep. George Liebl's son, and ask for healing and comfort in their lives. We remember with thanks-giving the life of Katharina Brundige, the wife of Rep. Robert Brundige, whose life is now embraced in Your nearer presence. We ask that Your loving hand be upon those who mourn.

May the legislative work accomplished today in this honorable House be done for the true benefit of all the citizens of our beloved New Hampshire, that all may share equally in the many blessings You continue to bestow upon us.

As always, we especially ask Your protective blessing to be with those who serve in the armed forces, police and fire service and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Rep. Robert J. Wiley led the Pledge of Allegiance.

The National Anthem was sung by Keith Veale, Josh Dennis and Rich Smith, students from Merrimack High School.

### LEAVES OF ABSENCE

Reps. Flanagan and Rice, the day, illness.

Reps. Daniels, Dewhirst, Drisko, Donald Flanders, Flayhan, Hollinger, Lessard, Mooney, Musler, Perkins, Reed, Donald Smith, Jeffrey Sullivan, Tholl, Vallone and Winchell, the day, important business.

Rep. Liebl, the day, illness in the family.

Reps. Brundige and Whalley, the day, death in the family.

### INTRODUCTION OF GUESTS

James Peabody, Scibi Magor and Liviu Radu, guests of Rep. Dorsett. George Shultis and Ann Huntoon, husband and guest of Rep. Shultis. Marjorie Chaifery, John House-Myers, John Hall, Patrick McGrath and Davis Powell, guests of the Merrimack Delegation. Lydia Scott and Eileen Williams, wife and guest of Rep. Scott. Albert and Tim St. Pierre, guests of Reps. Phinizy and Ferland. Joshua Blanchard, grandson of Rep. Elizabeth Blanchard.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 458**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire, removed by Rep. Hagan.

Consent Calendar adopted.

#### **HB 121**, relative to grounds for modification of a permanent child custody order. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Children and Family Law: This bill updates the existing law on modification of permanent custody in two ways. First, it adds language to address the situation when each parent has the children half the time, but neither is satisfied with the situation. The best interest standard is applied. Second, the bill lowers the threshold for intervention by a parent when a child's health or education is jeopardized. The amendment simply fine-tunes the wording. Vote 15-1.

#### **Amendment (0320h)**

Amend RSA 458:17, V(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) ~~[The circumstances affecting the welfare of the child have been so greatly altered that there is a strong possibility that the child will be harmed if the child continues to live under the~~



~~present arrangement; or~~ *The child's present environment is detrimental to the child's physical, mental, or emotional health, or impedes the child's education under applicable law, and the advantage to the child outweighs the harm likely to be caused by a change in environment;*

**HB 153-FN**, relative to grounds for termination of parental rights. **OUGHT TO PASS**

Rep. Margaret D. Hallyburton for Children and Family Law: This bill corrects the anomaly in the Termination of Parental Rights statute whereby a parent's rights may be terminated for the murder of a sibling, but may not be terminated for the murder or attempted murder of the other parent. All testimony was in support of the bill. Vote 14-0.

**HB 214**, relative to discovery deposition of minors in criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold Jr. for Children and Family Law: This bill as amended merely confirms in statute the expression "at the time of the deposition" which is already the Supreme Court's definition of the present language being, "at the time of the alleged offense." Vote 12-0.

#### **Amendment (0180h)**

Amend RSA 517:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim [~~who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense~~] *or witness who has not achieved the age of 17 years at the time of the deposition.*

**HB 323**, relative to the task force on family law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposed removing the requirement that house members on the Task Force on Family Law represent particular legislative committees and further, to extend the reporting date. The committee amended the bill to continue current membership of one member each from the Children and Family Law and Judiciary committees, and voted to extend the date for submitting the Task Force's final report to November 1, 2004. Vote 14-0.

#### **Amendment (0331h)**

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

#### **AMENDED ANALYSIS**

This bill extends the task force on family law established in 2002, 250, to November 1, 2004.

**HB 496**, establishing a committee to study the inclusion of New Hampshire in the Amber Alert program. **INEXPEDIENT TO LEGISLATE**

Rep. Edward P. Moran Jr. for Children and Family Law: There was general agreement that the Amber Alert concept was a good one, but the sponsor of this bill decided that a resolution would be more productive than another study. Procedurally, the committee was advised that it was appropriate to find this bill inexpedient to legislate with a recommendation that the sponsor return in April with a resolution. The sponsor concurs with this. Vote 14-1.

**HB 512**, relative to disability parking enforcement. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill would allow holders of handicapped plates or placards to issue parking citations to persons parking in spaces reserved for those with disabilities. Although the committee agrees with the severity of these violations, it feels current statutes and local police enforcement is the most efficient way to deal with the problem. Vote 12-0.

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill provides for the carrot and stick approach to entice persons convicted of DWI to enter treatment early. A person convicted of DWI will have the period of revocation extended. If the person enters the required treatment within 45 days of conviction, upon completion the court may suspend the additional portion of the license loss. Under no conditions shall the license loss be less than the loss required under current law. The bill further requires that upon conviction for first offense DWI a person who has been

required to attend an Impaired Driver Intervention Program or any similar program in any jurisdiction shall be required to furnish proof of completion of the Multiple Offender Program. The committee felt that early entry into treatment programs offers the best means to prevent reoccurrence and foster rehabilitation. Vote 13-0.

### Amendment (0370h)

Amend the bill by replacing section 2 with the following:

2 Penalties for Intoxication or Under Influence of Drugs Offenses; Impaired Driver Intervention Program. Amend RSA 265:82-b, I to read as follows:

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 215-A:11, I or RSA 265:82 shall be:

(1) Guilty of a violation;

(2) Fined not less than \$350;

(3) *Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services; and*

~~[(3)]~~ (4) The person's driver's license or privilege to drive shall be revoked for not less than ~~[90 days]~~ 9 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. *The court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.*

(b) Any person who is convicted of any aggravated DWI offense under RSA 215-A:11, II, or RSA 265:82-a, except as provided in subparagraph (c), shall be:

(1) Guilty of a misdemeanor;

(2) Fined not less than \$500;

(3) *Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services; and*

~~[(3)]~~ (4) The person's driver's license or privilege to drive shall be revoked for not less than ~~[1 year]~~ 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. *Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any circumstances approved by the department of health of human services allow.*

(c) Any person who is convicted of aggravated DWI under RSA 215-A:11, II(a)(1) or II(b)(1), or RSA 265:82-a, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) *Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program; and*

~~[(3)]~~ (4) The person's driver's license or privilege to drive shall be revoked for not less than ~~[1 year]~~ 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. *Except for good cause found by the court and noted in writing, the*

*court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.*

Amend the bill by replacing section 6 with the following:

6 Penalties for Intoxication or Under Influence of Drugs Offenses; Persons With Prior Convictions. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than ~~[180 days]~~ **one year** nor more than 3 years. ~~[The license shall not be restored until the person has successfully completed a]~~ **Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the [director of the office of alcohol and drug abuse prevention], commissioner of health and human services; as provided in RSA 172-B:2-b and RSA 263:65-a[; at the person's own expense].** **The person's license shall not be restored until the person has successfully completed the program.** The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

**HB 633-FN**, establishing the interstate compact for adult offender supervision. **OUGHT TO PASS**

Rep. David A. Welch for Criminal Justice and Public Safety: HB 633 establishes the interstate compact for adult offender supervision, it replaces the original compact that was created in 1937 and is seriously outdated. As of this date, all but a handful of states have adopted the compact and the temporary authority of New Hampshire to operate under the compact will expire in November. Should New Hampshire fail to enact this legislation, there will be no mechanism to require that probationers/parolees that are transferred to New Hampshire be returned to their home state should they violate the terms of probation/parole. Conversely, the sending state could just "dump" their problem probationers/parolees with no recourse for the state of New Hampshire. The committee feels that this is an important and necessary piece of legislation to protect the people of the state of New Hampshire. Vote 13-0.

**HB 766**, relative to the information required for a license to carry a pistol or revolver. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The purpose of this bill is to clarify the current law as it applies to information required for a license to carry a pistol or revolver. It comes about because some police chiefs require a photograph and/or fingerprints as part of the application process. There is no provision in the law that allows this and there was testimony that the legislative intent of the original bill was not to make such a requirement. Further, the Committee received a copy of a letter from the Attorney General's office rendering the opinion that the statute does not allow the issuing authority to require the photographing or fingerprinting of an applicant. Recognizing that in a rare circumstance, such as an instance of mistaken identity, might cause difficulty for the applicant, a provision is made for the applicant to request that he or she be photographed or fingerprinted to bring a resolution to the question. Vote 13-0.

#### Amendment (0285h)

Amend RSA 159:6, II as inserted by section 1 of the bill by replacing it with the following:

**II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.**

#### AMENDED ANALYSIS

This bill prohibits the use of photographs or fingerprints as a basis for granting, denying, or renewing a license to carry for a resident or nonresident, unless requested by the applicant.

**HB 499**, expanding opportunities for teacher certification. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. M. Alger for Education: This bill will add certification of New Hampshire teachers through the American Board for Certification of Teacher Excellency (ABCTE), a part of the re-

enacted Federal Elementary and Secondary School Act entitled "No Child Left Behind". The committee, the school board and the Superintendents' Association, along with the National Educators Association, supported the bill, as does the New Hampshire Department of Education, as amended. The committee heard an outstanding presentation on the program by Dr. Madigan, the President of ABCTE. It is especially aimed at encouraging people of other professions to obtain a teaching certification and offers "passport" certification across the various states. Vote 17-0.

#### **Amendment (0227h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Master Teacher Certification. Amend RSA 189:14-f by inserting after paragraph III the following new paragraph:

IV. Any person possessing a valid certification from the American Board for Certification of Teacher Excellence as a master teacher shall be deemed to have fulfilled the requirements for the master teacher credential set forth in this section.

#### **AMENDED ANALYSIS**

This bill requires the state board of education to adopt rules:

I. Recognizing certification by the American Board for Certification of Teacher Excellence as equivalent to a credential issued by the department of education.

II. Allowing school districts to elect to follow the guidelines of the American Board for certification of Teacher Excellence in the hiring of school district staff and administrative personnel.

III. Recognizes master teacher certification issued by the American Board for Certification of Teacher Excellence as equivalent to the master teacher credential in this state.

**HB 165**, relative to the text of constitutional amendment questions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to have a proposed constitutional amendment presented on the ballot in both the current and the proposed form for the voter to view prior to voting. The committee felt that currently a pamphlet issued with the ballot provides this information and not only would the bill cause a duplication but also make the ballot itself unnecessarily cumbersome. Vote 12-1.

**HB 309-L**, relative to placement and removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew L. Dorsett for Election Law: This bill would enable the code enforcement officer as well as a law enforcement officer to remove improper political advertising. However, the committee felt that the current law possesses problems concerning constitutionality and that these problems should not be added to. Vote 11-0.

**HB 391**, requiring candidates to acknowledge restrictions on political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The committee strongly supports the intent of the sponsor to reinforce the awareness of the prohibition of placing political signs on public property. We feel, although, that adding such language on the form that candidates use to file for office is inappropriate and would most likely encourage many other equally important suggested additions making the form cumbersome. Vote 11-1.

**HB 66-FN**, relative to executive agency rulemaking authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. John DeJoie for Executive Departments and Administration: This bill attempts to refine executive agency rulemaking authority, pursuant to RSA 541-A. The bill, as amended, prohibits agencies from adopting rules by reference to rules and statutes of another state government. Specific exceptions may be filed as a bill for review before a legislative policy committee. The committee reviewed concerns raised by agencies, most notably Department of Environmental Services and Department of Health and Human Services. The agencies stated that the original bill might require them to repeat scientific data gathering and copy accrediting manuals verbatim into their rules. The amendment to HB 66 was offered to address the concerns raised by the agencies. The fiscal note to this bill was issued to address the intent of the original bill. Since the amendment significantly limits the scope of this bill, it is the opinion of the committee that there is no longer a fiscal impact. Vote 20-0.

**Amendment (0263h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Administrative Procedure Act; Restriction on Rules Incorporating Documents by Reference. Amend RSA 541-A by inserting after section 3-a the following new section:

541-A:3-b Restriction on Rules Incorporating Documents by Reference. No agency may propose or adopt a rule under RSA 541-A:3 or RSA 541-A:19 that incorporates by reference any code, rule, or document from another state government without specific legislative approval for such a rule.

2 Applicability. RSA 541-A:3-b, as inserted by section 1 of this act, shall apply to rules adopted on or after January 1, 2004.

3 Effective Date. This act shall take effect January 1, 2004.

**AMENDED ANALYSIS**

This bill prohibits administrative agencies from adopting rules that incorporate by reference any code, rule, or document from another state without specific legislative approval.

**HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly T. Rodeschin for Finance: This bill continues a practice that has been in place for fifteen years. Since 1988, the State has contracted with the Dartmouth Medical School to provide psychiatrists and other clinicians to treat patients at New Hampshire Hospital. Under that contract, the State has agreed to indemnify Dartmouth against claims arising from clinical services. In order to save the State the significant cost of malpractice insurance, the Legislature has chosen to assume liability for these claims under RSA 99-D. The legislative Oversight Committee established by RSA 541-B: 23 retains control over these claims. Vote 15-0.

**Amendment (0266h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

2 Claims Against the State; Claims Arising From the Clinical Services Provided to the Department of Health and Human Services. Amend RSA 541-B:21, III to read as follows:

III. This section shall apply only to claims arising out of incidents occurring on or after July 1, 1988[- and prior to July 1, 2004].

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: After hearing this bill, the Finance Committee recognized the significant policy changes that were required. It therefore voted the bill Ought to Pass in the expectation that, after passage by the House, the Speaker could refer the bill to the Executive Departments and Administration Committee for policy review. Should the House approve the recommendation of ED&A, and if there are fiscal consequences, the Finance Committee would ask the bill be referred to it for a second time. Suspension of certain House rules may be required to allow this to happen. Vote 15-0.

Referred to Executive Departments and Administration.

**HB 397**, permitting towns and cities to deny a planning board application by a vote of the legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill was flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also, a mechanism presently existed in law to deal with the concerns this bill addresses. Vote 18-0.

**HB 110-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill proposes a capital project that is now included in the Governor's budget proposal, and will be considered during the Capital Budget deliberations. Therefore, this bill is not necessary. Vote 15-1.

**HB 590-FN**, relative to highway fund budget reporting requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill allocates unrestricted revenue from the highway fund and requires any department that receives such funds submit a biennial report of expenditures to the State Treasurer. The amendment sets parameters for this allocation. The committee felt that establishing such parameters will result in a greater percentage of highway funds going to actual road work, and not being eroded by use of other agencies. The bill retains the Highway Block Grant Aid Program intact. Vote 15-0.

### **Amendment (0330h)**

Amend 9:9-a as inserted by section 1 of the bill by replacing it with the following:

9:9-a Allocation of Unrestricted Revenue from Highway Fund. In each biennium, all unrestricted revenue from the highway fund, including any surplus but excluding any betterment funds, as estimated by the commissioner of the department of administrative services in RSA 9:6, and subject to the requirements of RSA 9:4-d, shall be allocated in the operating budget as follows:

I. Department of transportation: Not less than 67 percent of unrestricted revenue.

II. Department of safety: Not to exceed 18 percent of unrestricted revenue.

III. Highway block grant aid: 12 percent of unrestricted revenue.

IV. Other projects that comply with the New Hampshire constitution, part 2, article 6-a, relative to the use of highway funds: Not to exceed 3 percent of unrestricted revenue.

Referred to Finance.

### **HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield. OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: This bill reclassifies two roads in the town of Northfield as Class V highways, thereby returning the roads to the town. Both the Department of Transportation and the town agree to this transfer. Vote 17-0.

### **HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington. OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill reclassifies portions of the River Road and Nimble Hill Road by the town of Newington as Class V highways upon completion of reconstruction to be performed by the Department of Transportation. This bill was a request by DOT at the request of the town of Newington. Both Turnpike Funds and Betterment Funds will be used for the improvements to improve safety on these two roads. Class V highways are town maintained. Vote 16-0.

### **HB 818, relative to clearing land before plan approval. INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: Along with the Department of Resources and Economic Development, the Associated General Contractors of New Hampshire, and the Association of New Hampshire Conservation Commissions, the committee felt unanimously that there are adequate current laws to regulate cutting of timber and the clearing of land before approval under RSA 227 and RSA 485. It was also agreed that local subdivision regulations and planning board site plan review ensure the protection of adverse impact of land clearing or terrain alteration. Vote 14-0.

### **HB 106-FN-L, implementing an education property tax homestead exemption. INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The committee feels that although this particular bill has a worthy goal, there are eight other bills dealing with similar issues that will be considered by the committee. Vote 12-0.

### **HB 173, making technical corrections relative to the exception from the meals and rooms tax for gratuities. OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Last year a correction was made to the rooms and meals tax law to ensure the continued exemption of gratuities included in package deals for motor tours. This bill completes the intent of that legislation by extending the exemption to gratuities in package deals offered by the hotels themselves, and allows the operator to offer a single price, provided that it is clearly stated that the tax is applied only to the rooms and meals portion of the bill. Vote 17-0.

**Amendment (0225h)**

Amend the bill by replacing section I with the following:

I Exception from Meals and Rooms Tax; Gratuities. RSA 78-A:6-a, II-VI are repealed and reenacted to read as follows:

II. Gratuity charges added to the charge for a taxable meal or taxable room shall not be taxed under this chapter if:

(a) The gratuity is not used by the operator as a supplement to or in lieu of wages, or as a pool from which bonuses are paid to managerial personnel;

(b) The gratuity is paid to the service personnel providing the service for which the gratuity is charged;

(c) The amount of the gratuity does not exceed 18 percent of the charge for the taxable meal and/or rent imposed on each occupancy. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The 8 percent tax on meals and rooms is included for the costs of meals and lodging only;"

(d) If the gratuity exceeds the percentage specified in subparagraph (c) and the amount is not separately stated, the exception from tax shall be limited to the percentage enumerated and the additional gratuity shall be subject to tax. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The 8 percent tax on meals and rooms is included for the costs of meals and lodging only and the amount of any surplus gratuity above 18 percent;" and

(e) The payroll or other business records of the operator substantiate the distribution of the gratuity to the service employees as a payment that does not supplement wages or is not in lieu of wages.

III. Gratuity charges arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants shall not be taxed under this chapter if the requirements of RSA 78-A:6-a, II are met.

IV. Gratuity charges included in package arrangements offered by hotels to purchasers or occupants, which are not arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants, shall not be taxed under this chapter if the requirements of RSA 78-A:6-a, II are met.

V. The amount of any gratuity charge excepted from tax by RSA 78-A:6-a, II, III, or IV shall be limited to that amount actually received by the service personnel providing the service for which such gratuity is charged.

VI. Any auxiliary charges, not including gratuity charges, such as, but not limited to, service charges, house charges, management fees, or housekeeping charges, added to the charge for a taxable meal or taxable room, shall not be taxed under this chapter if:

(a) The taxable meal or taxable room rental may be purchased without such auxiliary charges at the option of the purchaser or occupant; and

(b) The amount of the auxiliary charge is separately stated on the contract or receipt.

VII. The portion of a single aggregate charge allocated to items which are not customarily associated with the purchase of a taxable room or taxable meal, including but not limited to ski lift tickets, boat ride fees, amusement park admission tickets, theater tickets, or other similarly packaged items shall not be taxable if:

(a) The packaged item or service is not part of the operator's standard room rental or meal and the allocated cost of the package item or service is equal to the amount paid to an outside vendor or the allocated cost of the package item or service is the amount over and above the amount which a consumer would be ordinarily charged for the room rental and/or meal had the consumer purchased the room or meal without the packaged item or service;

(b) The allocated cost of the package for gratuities meets the requirements of RSA 78-A:6-a, II; and

(c) The operator's business records provide the documentation necessary for the department to determine the allocation of costs and the proper application of the tax.

**HB 576-FN-A**, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**  
Rep. Peyton B. Hinkle for Ways and Means: Testimony showed this bill would have a negative impact on the restaurant business throughout New Hampshire. Restaurants have already been adversely affected by the increase in the business enterprise tax. These businesses operate on a small

margin, and any loss of business due to the tax increase would shrink those margins even further. Some surrounding states already have a lower meals tax, and any further increases in the New Hampshire tax would place them in an even more uncompetitive position. The only testimony in favor of the bill was from the sponsor. There was opposition to the bill from the Lakes Region Association, NH Lodging and Restaurant Association, Enterprise Car Rental and other business organizations. Vote 18-0.

**HB 666-FN-A**, expanding the meals and rooms tax to include a tax on admission charges for entertainment. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: Expansion of existing taxes on business, especially to include entertainment businesses, is inconsistent with the state's efforts to expand tourism and encourage small business entrepreneurs. At the bill's public hearing, only the sponsor spoke in favor of the bill whereas the Dept. of Resources and Economic Development and a number of industry representatives spoke against the expansion of this tax. Vote 18-0.

**HB 685-FN-A-L**, exempting transfers of real property with conservation, preservation, or development restrictions from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The committee felt that this bill had good intentions but that its language was too broad and accordingly its fiscal impact could not be determined. One of the sponsors agreed the bill required more clarification and would work on the issues and resubmit legislation in the next session. Vote 18-0.

### REGULAR CALENDAR

**HB 445**, relative to consideration of domestic violence in child custody and visitation decisions and relative to the time period in which a motion for protective order from domestic violence may be filed. **INEXPEDIENT TO LEGISLATE**

Rep. Gary C. Greenberg for Children and Family Law: The committee feels that this bill is unnecessary because the issue of custody by either parent can be raised in court. With regards to the second part of the bill, the committee agreed that the Supreme Court in *Fillmore v. Fillmore* was correct with respect to a timeframe for protective orders. Vote 11-1.

Adopted.

Rep. Hallyburton declared a conflict of interest and did not participate.

**HB 518-FN-L**, implementing changes to the amount of school building aid for school districts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Education: The bill would have changed the method of distribution and amount of school building aid so as to greatly increase the amount of general fund aid required in the next few years. While the towns and cities might welcome payment of additional money, raising about \$75 million more annually during the next three years would place an onerous burden on the state in consideration of the current condition of state revenues and expenses. Vote 17-0.

Adopted.

**HB 425**, establishing the prescription drug cost task force. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janeen Dalrymple for the Majority of Health, Human Services and Elderly Affairs: Although the committee agrees that this bill was an important piece of legislation, it was found unnecessary because another piece of legislation (HB 735-FN) will include portions of HB 425, which will address a prescription drug cost task force, and will study issues regarding cost of prescription drugs for New Hampshire citizens. Vote 11-7.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: We do not believe that this bill should have been voted Inexpedient to Legislate because of the uncertainty that prescription drug costs will be subject to continued study. The fate of several bills purported to address the topic of prescription drugs are in question.

Rep. Akins spoke against.

Rep. Dalrymple spoke in favor.

Rep. Akins requested a roll call; sufficiently seconded

The question being adoption of the majority committee report.



**YEAS 218 NAYS 138****YEAS 218****BELKNAP**

Allen, Janet  
Fitzgerald, James  
Pilliod, James

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boyce, Laurie  
Lawton, David  
Wendelboe, Fran

Clark, Charles  
Nedeau, Stephen

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Dexter, Judson  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

Manning, Joseph

**COOS**

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Woodward, David

King, Frederick

Richardson, Herbert

**GRAFTON**

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

Eaton, Stephanie  
Ingbreton, Paul

Gilman, G Michael  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Bruno, Pierre  
Carter, Mark  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Goulet, Maurice  
Hagan, Barbara  
Harrington, Paul  
Hunter, Bruce  
Kurk, Neal  
McElroy, Henry Jr  
Milligan, Robert  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, Robert

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Buhlman, David  
Cernota, Albert  
Coughlin, Pamela  
Elliott, Larry  
Ford, Nancy  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Jasper, Shawn  
L'Heureux, Robert  
McRae, Karen  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Tahir, Saghir

Allen, Timothy  
Balcom, John  
Bergin, Peter  
Carlson, Donald  
Chabot, Robert  
Crane, Elenore Casey  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Johnson, Lionel  
Lafamme, Charles  
Mercer, Robert  
Ober, Russell III  
Reeves, Sandra  
Slocum, Lee  
Vaillancourt, Steve

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Fields, Dennis  
Gibson, John  
Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Kerns, J Edward  
Luebker, Bernard  
Messier, Irene  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Foley, Albert  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Ouellette, Robert

Colcord, J D  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom

Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

Field, William  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Oliver, James

**ROCKINGHAM**

Allen, Mary  
Cady, Harriet  
Cooney, Richard  
Duffy, James  
Flanders, John Sr

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila

Bishop, Franklin  
Carson, Sharon  
Dearborn, Bruce  
Dupuis, Roland  
Gilbert, Jeffrey

Bridle, Russell  
Clark, Vivian  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Karl

Gillick, Thomas  
 Hamel, Albert  
 Ingram, Russell  
 Katsakiores, George  
 Langone, John  
 McCann, Richard  
 Noyes, Richard  
 Putnam, Ed II  
 Scamman, Stella  
 Tufts, J Arthur  
 Welch, David

Gleason, John  
 Headd, James  
 Introne, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McKinney, Betsy  
 O'Neil, Michael  
 Rausch, James  
 Smith, Paul  
 Varrell, Thomas  
 Weldy, Norman Jr

Gould, Kenneth  
 Holland, James Jr  
 Johnson, Robert  
 Kelley, Jane  
 Major, Norman  
 McMahon, Charles  
 Packard, Sherman  
 Roessner, Kurt  
 Stone, Joseph  
 Waterhouse, Kevin  
 Weyler, Kenneth

Griffin, Mary  
 Hughes, Daniel  
 Johnson, Rogers  
 Kobel, Rudolph  
 Manning, John  
 Morris, Richard  
 Priestley, Anne  
 Ruffner, Walter  
 Stritch, C Donald  
 Weare, E Albert  
 Zolla, William

### STRAFFORD

Albert, Russell  
 Easson, Timothy  
 Taylor, Kathleen

Bemis, Alan  
 Knowles, William  
 Twombly, James

Cataldo, Sam  
 Newton, Clifford  
 Woods, Phyllis

Dunlap, Patricia  
 Scott, David

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 138

### BELKNAP

Ahern, Omer Jr

Laflam, Robert

Russell, David

### CARROLL

Kenney, Bettie

### CHESHIRE

Allen, Peter  
 Espieffs, Peter  
 Parkhurst, Henry  
 Robertson, Timothy  
 Weed, Charles

Batchelder, Robert  
 Fish, Douglas  
 Pratt, Irene  
 Slack, Pamela

Dunn, James  
 Meader, David  
 Pratt, John  
 Tilton, Anna

Eaton, Daniel  
 Mitchell, McKim  
 Richardson, Barbara  
 Webber, Amy

### COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

### GRAFTON

Akins, Ralph  
 Bleyler, Ruth  
 Ham, Bonnie  
 Sokol, Hilda

Alger, John  
 Cooney, Mary  
 Hammond, Lee  
 Solomon, Peter

Almy, Susan  
 Densmore, Edward  
 Nordgren, Sharon  
 Williams, Burton

Benn, Bernard  
 Diamond, Estelle  
 Scovner, Nancy

### HILLSBOROUGH

Baroody, Benjamin  
 Clemons, Jane  
 Dionne, Kimberley  
 Holden, Randolph  
 Konys, Christine  
 Lasky, Bette  
 Mosesian, Lori  
 Schulze, Joan  
 Tate, Joan

Bergeron, Jean-Guy  
 Cote, David  
 Furman, Christine  
 Infantine, William  
 Kopka, Angeline  
 Leach, Edward  
 O'Brien, Lori  
 Sullivan, Francis

Brassard, Paul  
 Cote, Peter  
 Gorman, Mary  
 Irwin, Anne-Marie  
 Kudalis, Debra  
 Lefebvre, Roland  
 Pappas, Christopher  
 Sullivan, Peter

Buckley, Raymond  
 Craig, James  
 Haley, Robert  
 Jean, Claudette  
 LaFlamme, Paul  
 Malloy, Chris  
 Pilotte, Maurice  
 Sweeney, Cynthia

### MERRIMACK

Blanchard, Elizabeth  
 Davis, Frank

Bouchard, Candace  
 DeJoie, John

Brueggemann, Donald  
 DeStefano, Stephen

Clarke, Claire  
 French, Barbara

Gile, Mary  
Potter, Frances  
Wallner, Mary Jane

Hamm, Christine  
Rush, Deanna

Osborne, Jessie  
Seldin, Gloria

Owen, Derek  
Soltani, Tony

### ROCKINGHAM

Bicknell, Elbert  
Corbin, Corey  
Langley, Jane  
Pitts, Jacqueline  
Splaine, James

Blanchard, MaryAnn  
DiFruscia, Anthony  
McEachern, Paul  
Quandt, Matthew  
Wiley, Robert

Casey, Kimberley  
Dodge, Robert  
Norelli, Terie  
Robertson, Carl

Coes, Betsy  
Hutchinson, Karen  
Pantelakos, Laura  
Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
Creteau, Irene  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith

Campbell, W Packy  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Phinzy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

and the majority report was adopted.

**HB 581-FN-L**, requiring a death record for an aborted fetus. **INEXPEDIENT TO LEGISLATE**  
Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: The committee felt that fetal death statistics could be collected without the use of a fetal death certificate. Given the information currently asked on a fetal death certificate, the committee felt it was much too invasive. Testimony expressed a concern for the safety of those in the medical profession. Much work was done last session by this committee on this question of fetal statistics. While all agreed that such statistics would be helpful, the committee felt that there were too many questions regarding privacy and anonymity. Vote 13-3.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 292 NAYS 67**

### YEAS 292

#### BELKNAP

Allen, Janet  
Holbrook, Robert  
Russell, David

Bartlett, Gordon  
Lawton, David  
Thomas, John

Clark, Charles  
Nedeau, Stephen

Fitzgerald, James  
Pilliod, James

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

### CHESHIRE

Allen, Peter  
Eaton, Daniel  
Meador, David  
Pratt, John  
Slack, Pamela  
Weed, Charles

Batchelder, Robert  
Espiefs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Dexter, Judson  
Fish, Douglas  
Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

Dunn, James  
Hunt, John  
Pratt, Irene  
Royce, H Charles  
Webber, Amy

### COOS

King, Frederick  
Theberge, Robert

Mears, Edgar  
Woodward, David

Poulin, Richard

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Dorsett, Andrew  
Ham, Bonnie  
Nordgren, Sharon  
Williams, Burton

Alger, John  
Cooney, Mary  
Dudley, Terri  
Hammond, Lee  
Scovner, Nancy

Almy, Susan  
Densmore, Edward  
Eaton, Stephanie  
Maybeck, Margie  
Sokol, Hilda

Benn, Bernard  
Diamond, Estelle  
Gionet, Edmond  
Naro, Debra  
Solomon, Peter

**HILLSBOROUGH**

Balcom, John  
Bergin, Peter  
Carlson, Donald  
Chabot, Robert  
Cote, Peter  
Desmarais, Vivian  
Emerton, Larry  
Furman, Christine  
Graham, John  
Hawkins, Ken  
Hunter, Bruce  
Jean, Claudette  
Kudalis, Debra  
Lasky, Bette  
Mercer, Robert  
O'Brien, Lori  
Pilotte, Maurice  
Rowe, Robert  
Sullivan, Francis  
Vaillancourt, Steve

Baroody, Benjamin  
Bouchard, David  
Carter, Jeffrey  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Greenberg, Gary  
Haytayan, Harry Jr  
Infantine, William  
Johnson, Lionel  
Kurk, Neal  
Leach, Edward  
Messier, Irene  
Ober, Russell III  
Price, Pamela  
Scanlon, Michael  
Sullivan, Peter  
Wheeler, Robert

Barry, J Gail  
Bruno, Pierre  
Carter, Mark  
Clemmons, Jane  
Craig, James  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Hall, Charles  
Hinkle, Peyton  
Irwin, Anne-Marie  
Konys, Christine  
Laflamme, Charles  
Malloy, Chris  
Milligan, Robert  
Pappas, Christopher  
Reeves, Sandra  
Schulze, Joan  
Tahir, Saghir

Beaton, William  
Buckley, Raymond  
Cernota, Albert  
Cote, David  
Crane, Elenore Casey  
Elliott, Larry  
Ford, Nancy  
Goyette, Peter Jr  
Hallyburton, Margaret  
Holden, Randolph  
Jasper, Shawn  
Kopka, Angeline  
LaFlamme, Paul  
McRae, Karen  
Movsesian, Lori  
Pappas, Marc  
Ross, Lawrence  
Stepanek, Stephen  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Oliver, James  
Potter, Frances

Blanchard, Elizabeth  
Colcord, J D  
Dunne, Christopher  
Gile, Mary  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Osborne, Jessie  
Rush, Deanna

Bouchard, Candace  
Davis, Frank  
Foley, Albert  
Hamm, Christine  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom  
Ouellette, Robert  
Seldin, Gloria

Brueggemann, Donald  
DeJoie, John  
Fraser, Leo Jr  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Doyle, Christopher  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
McKinney, Betsy  
Noyes, Richard  
Pitts, Jacqueline  
Roessner, Kurt

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Dearborn, Bruce  
Duffy, James  
Gilbert, Jeffrey  
Gould, Kenneth  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
McMahon, Charles  
O'Neil, Michael  
Priestley, Anne  
Ruffner, Walter

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Packard, Sherman  
Rausch, James  
Scamman, Stella

Blanchard, MaryAnn  
Casey, Kimberley  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Pantelakos, Laura  
Robertson, Carl  
Shultis, Elizabeth

Smith, Paul  
Tufts, J Arthur  
Weyler, Kenneth

Splaine, James  
Weare, E Albert  
Zolla, William

Stone, Joseph  
Welch, David

Stritch, C Donald  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Bemis, Alan  
Cataldo, Sam  
Heon, Richard  
Knowles, William  
Rous, Emma  
Snyder, Clair  
Wall, Janet

Berube, Roger  
Creteau, Irene  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Spang, Judith

Bickford, David  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Scott, David  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

### NAYS 67

### BELKNAP

Ahern, Omer Jr

Boyce, Laurie

Laflam, Robert

Wendelboe, Fran

### CARROLL

Stevens, Stanley

### CHESHIRE

Laurent, John

Manning, Joseph

### COOS

Brady, Mark

Guay, Lawrence

Pratt, Leighton

Richardson, Herbert

### GRAFTON

Gilman, G Michael

Giuda, Robert

Ingbretson, Paul

Sorg, Gregory

### HILLSBOROUGH

Adams, Jarvis  
Artz, Lawrence  
Brassard, Paul  
Goulet, Maurice  
Harrington, Paul  
Lefebvre, Roland  
Pepino, Leo  
Wheeler, James

Allan, Nelson  
Balboni, Michael  
Buhlman, David  
Hagan, Barbara  
Kerns, J Edward  
Luebker, Bernard  
Slocum, Lee

Allen, Timothy  
Batula, Peter  
Christiansen, Lars  
Haley, Robert  
L'Heureux, Robert  
McElroy, Henry Jr  
Souza, Kathleen

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Gibson, John  
Hansen, Ryan  
Lawrence, James  
Mosher, William  
Sweeney, Cynthia

### MERRIMACK

Field, William

Soltani, Tony

### ROCKINGHAM

Bicknell, Elbert  
Hamel, Albert  
Putnam, Ed II  
Wiley, Robert

Cady, Harriet  
Hughes, Daniel  
Quandt, Matthew

Dumaine, Dudley  
Itse, Daniel  
Varrell, Thomas

Dupuis, Roland  
Letourneau, Robert  
Waterhouse, Kevin

### STRAFFORD

Callaghan, Frank  
Newton, Clifford

Campbell, W Packy  
Twombly, James

Easson, Timothy  
Woods, Phyllis

Hofemann, Roland

### SULLIVAN

Donovan, Thomas  
and the report was adopted.

**HB 586-FN-A**, relative to the infant deafness program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill would require all hospitals to acquire the appropriate equipment to fully implement infant hearing testing. The prime sponsor, after finding out the hospitals already have the equipment, withdrew his interest in pursuing this bill. Vote 16-1.

Adopted.

**HB 824-FN-A**, relative to services for persons with mental illness and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela G. Price for the Majority of Health, Human Services and Elderly Affairs: As a majority, we appreciate the intent of the bill to add and fund services for persons with mental illness. In the new budget, unlike many line items, funding was not cut, which demonstrates the state's concern on this matter. This bill request was not made on behalf of the Department of Health and Human Services, nor did they present any testimony. This bill request was made on behalf of the Community Mental Health Centers, which presented a five-year program. This bill, if passed, would require an additional \$7,168,966 in the 2004-2005 fiscal year budget, according to the sponsor's presentation. The committee received no certification of these figures from the Health and Human Services Department. Significant discussion was centered on the prioritization of the program and how it could conflict with the allocation of their budget, which was presented to the state for approval. As a matter of fact, it appeared that some of the services in this bill may be duplications of the current Health and Human Services budget at some level. The state already recognizes that this is an illness that needs prioritization. We recognize the need, we will continue to monitor our progress, and we will do all we can to address this illness by early intervention methods. Although the committee felt the program appeared worthy, there was reluctance to add a serious new funding bill with a layer of financial implications without an understanding and confidence of how it would fit into the new Health and Human Services list of priority needs. Vote 11-5.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: We recognize that support and follow-up treatment services for persons with mental illness and their families will enable such persons to further take responsibility for their own recovery from mental illness and to successfully maintain it. We further recognize that the earlier in the illness that treatment and family support is provided, the better the chances of achieving and maintaining recovery and minimizing the costs to individuals, families, and the state. In view of the financial savings that can be achieved by early intervention, we, the minority, strongly support passage of this bill.

Rep. Joseph Manning spoke against.

Reps. Price and Dalrymple spoke in favor.

On a division vote, 229 members having voted in the affirmative and 130 in the negative, the majority report on was adopted.

**HB 826-FN**, establishing a limited moratorium on the use of psychotropic drugs and requiring the attorney general to study the use of such drugs. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This is one of four bills this session dealing with the use of psychotropic drugs, including Ritalin. This also required a study by the Attorney General of use of psychotropic drugs by New Hampshire school children. The committee felt that issues related to the diagnosis and treatment of medical conditions is the responsibility of physicians. With the informed consent of the patient and his family. In addition, the committee learned that several professional studies of psychotropic medications are ongoing in New Hampshire. It was not felt that it was appropriate to ask the Office of the Attorney General to conduct a highly technical study of the use of psychotropic medications. The committee continues to believe that research into this subject is appropriate and necessary and is supportive of those studies. Vote 17-0.

Adopted.

**HCR 13**, declaring the health rights of the citizens of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Eric M. Daniels for the Majority of Health, Human Services and Elderly Affairs: This resolution proposes the New Hampshire Legislature establish a declaration of Health Rights applicable for all citizens of New Hampshire and offers that all New Hampshire citizens should enjoy the

benefits of a healthy life as a "right". The resolution goes on to include the establishment of additional citizen rights, which include, among others; food, housing, clothing, as well as medical care. The idea that all citizens should expect to be cared for by the Government via entitlement programs is not new yet continues to be offered for consideration through various measures and programs. This resolution seeks to do that by asking the New Hampshire House to declare a person's right to public resources to maintain an adequate standard of living, including a goal of universal health care. What that standard might be is undefined. The Committee felt the resolution would open up additional responsibilities and enormous funding demands on government. Even though the committee recognized that no health care system is perfect, we are proud of our ongoing efforts to make health care available, especially to the children of the state and in many circumstances to the people with disabilities and the elderly. In the New Hampshire Constitution, the Bill of Rights (Article 2) provides that each citizen has the natural right, among others, of "seeking and obtaining happiness" for themselves. This freedom is echoed in our country's Declaration of Independence in which it states we have the unalienable right to life, liberty and the pursuit of happiness. The committee felt the resolution proposed was far reaching and not attainable. As a result, the committee concluded this resolution, although well intended was only symbolic in nature. Vote 12-6.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: This resolution made a statement of caring for our citizens by declaring health rights of the people of NH. The aim of this resolution is to enable people to obtain their optimum health status so that they may enjoy an equal quality of life with others.

Reps. French and Espieffs spoke against.

Reps. McMahon and Batula spoke in favor.

Rep. French requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 248 NAYS 115

### YEAS 248

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Manning, Joseph	Royce, H Charles	Smith, Edwin	

### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Woodward, David	

#### GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Sorg, Gregory	Williams, Burton

### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Barry, J Gail
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bruno, Pierre	Buhlman, David	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert

Christensen, D L Chris  
Desmarais, Vivian  
Emerton, Larry  
Furman, Christine  
Goulet, Maurice  
Hagan, Barbara  
Harrington, Paul  
Holden, Randolph  
Kerns, J Edward  
LaFlamme, Paul  
McElroy, Henry Jr  
Messier, Irene  
Ober, Russell III  
Reeves, Sandra  
Slocum, Lee  
Tate, Joan

Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Vaillancourt, Steve

Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Gibson, John  
Graham, John  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Infantine, William  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, James

Crane, Elenore Casey  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Field, William  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

Blanchard, Elizabeth  
Foley, Albert  
Jacobson, Alf  
Langier, Ray  
Marple, Richard  
Oliver, James

Colcord, J D  
Fraser, Leo Jr  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Ouellette, Robert

Dunne, Christopher  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom  
Soltani, Tony

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Introne, Robert  
Katsakiores, George  
Langone, John  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Dupuis, Roland  
Gilbert, Jeffrey  
Griffin, Mary  
Hughes, Daniel  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Bicknell, Elbert  
Carson, Sharon  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Scamman, Stella  
Tufts, J Arthur  
Welch, David  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
Manning, John  
Morris, Richard  
Priestley, Anne  
Robertson, Carl  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Campbell, W Packy  
Newton, Clifford

Bemis, Alan  
Cataldo, Sam  
Scott, David

Bickford, David  
Dunlap, Patricia  
Twombly, James

Brown, Julie  
Easson, Timothy  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS II5 BELKNAP

None

### CARROLL

None



**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Meader, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Tilton, Anna	Webber, Amy	Weed, Charles

**COOS**

Mears, Edgar	Poulin, Richard	Theberge, Robert
--------------	-----------------	------------------

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Ham, Bonnie
Hammond, Lee	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter			

**HILLSBOROUGH**

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Gorman, Mary
Haley, Robert	Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Lefebvre, Roland	Malloy, Chris	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Schulze, Joan	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia			

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Davidson, Robert
Gould, Kenneth	Kelley, Jane	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Creteau, Irene	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the majority report was adopted.

## **HB 127, establishing a committee to study the effectiveness and fairness of county government. OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: The concept of this bill has been before this committee in the past. The bill presented this time included two sections that dealt with assessments and equalization issues that are currently being addressed by the Assessing Standards Board and HB 681 relative to the allocation of a municipality's share of county taxes. The amendment simply removes these two sections from the bill. The bill lists the duties of the study committee as being 1) compare current functions originally intended in this state; 2) determine whether some county government tasks can be better accomplished by the state or vice-versa; and 3) analyze county government services for any duplication of services available elsewhere. Vote 10-6.

**Amendment (0244h)**

Amend section 3 of the bill by deleting paragraphs IV and V.

Adopted.

Report adopted and ordered to third reading.

**HB 284**, relative to the issuance of bonds in school districts and municipalities using the official ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: The bill would change the 3/5 vote now required for the issuance of bonds in the official ballot form of governments, also known as Senate Bill 2 (SB 2) back to 2/3. The bipartisan vote reflects the committee's understanding of the substantial differences in the voting methods between the official ballot towns and school districts (SB 2) and towns and school districts governed by a traditional town meeting form of government. In 1999, the General Court voted to lower the percentage required for bond approval for SB 2 towns and a recent study by the New Hampshire Center for Public Policy confirms that SB 2 towns and school districts are not passing bonds more than the traditional town meetings. The bill would allow even a smaller minority to thwart the will of a vast majority, creating minority rule. The majority recognized that a 3/5 vote is still a super majority and finds no valid reason to change the status quo. Vote 11-7.

Rep. David L. Buhlman for the Minority of Municipal and County Government: When the official ballot form of government, also known as Senate Bill 2 (SB 2 passed in 1995), the margin of approval to issue bonds in school districts and municipalities was 2/3 (66.7%). In 1999, the margin necessary for approval was decreased to 3/5 (60%) via HB 487. The percentage for approving bonds in traditional municipalities was unaffected and remains at 2/3. According to data in the New Hampshire Public Policy's March 2002 publication, SB 2 @ 5: Bonds, Ballots, and the Deliberative Session, the decrease from 2/3 to 3/5 for bond approval in SB 2 communities has resulted in a total average property tax increase in the years 2000 and 2001 of nearly \$230 per capita. This is an additional burden on taxpayers that passing HB 284 would reduce or eliminate. If a project is truly worthwhile, and the project's proponents get the word out, 2/3 of the voters will approve spending their hard-earned money for it.

Reps. Slocum and McEachern spoke against and yielded to questions.

Reps. Nancy Johnson and Alger spoke in favor and yielded to questions.

Rep. Slocum requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 239 NAYS 120**

**YEAS 239**

**BELKNAP**

Allen, Janet	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Holbrook, Robert	Lafam, Robert	Russell, David	Thomas, John

**CARROLL**

Brown, Carolyn	Derby, Mark	Kenney, Bettie	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth		

**CHESHIRE**

Batchelder, Robert	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Laurent, John	Manning, Joseph
Meador, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

**COOS**

King, Frederick	Mears, Edgar	Poulin, Richard	Stohl, Eric
Theberge, Robert			

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Giuda, Robert  
Scovner, Nancy

Alger, John  
Cooney, Mary  
Hammond, Lee  
Sokol, Hilda

Almy, Susan  
Densmore, Edward  
Naro, Debra  
Solomon, Peter

Benn, Bernard  
Dorsett, Andrew  
Nordgren, Sharon  
Williams, Burton

**HILLSBOROUGH**

Arnold, Thomas Jr  
Bergin, Peter  
Carter, Mark  
Clemons, Jane  
Craig, James  
Emerton, Larry  
Gargas, Carolyn  
Greenberg, Gary  
Hawkins, Ken  
Irwin, Anne-Marie  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Movesian, Lori  
Pepino, Leo  
Rowe, Robert  
Sullivan, Peter  
Wheeler, Robert

Balcom, John  
Brassard, Paul  
Cernota, Albert  
Cote, David  
Desmarais, Vivian  
Fields, Dennis  
Gonzalez, Carlos  
Haley, Robert  
Haytayan, Harry Jr  
Jean, Claudette  
L'Heureux, Robert  
Lefebvre, Roland  
Messier, Irene  
O'Brien, Lori  
Pilotte, Maurice  
Scanlon, Michael  
Sweeney, Cynthia

Baroody, Benjamin  
Buckley, Raymond  
Chabot, Robert  
Cote, Peter  
Dionne, Kimberley  
Fletcher, Richard  
Gorman, Mary  
Hall, Charles  
Hinkle, Peyton  
Kony, Christine  
Laflamme, Charles  
Malloy, Chris  
Milligan, Robert  
Pappas, Christopher  
Price, Pamela  
Schulze, Joan  
Tahir, Saghir

Batula, Peter  
Carter, Jeffrey  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Ford, Nancy  
Graham, John  
Hallyburton, Margaret  
Infantine, William  
Kopka, Angeline  
Lasky, Bette  
McHugh, Claire  
Mosher, William  
Pappas, Marc  
Reeves, Sandra  
Sullivan, Francis  
Vaillancourt, Steve

**MERRIMACK**

Blanchard, Elizabeth  
Colcord, J D  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Potter, Frances

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Hess, David  
MacKay, James  
Rush, Deanna

Brueggemann, Donald  
DeJoie, John  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Seldin, Gloria

Clarke, Claire  
Dunne, Christopher  
Hager, Elizabeth  
Kenison, Leon  
Osborne, Jessie  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Coes, Betsy  
Dearborn, Bruce  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Shultis, Elizabeth  
Tufts, J Arthur

Blanchard, MaryAnn  
Cooney, Richard  
Dodge, Robert  
Gleason, John  
Headd, James  
Johnson, Robert  
Langley, Jane  
Manning, John  
Norelli, Terie  
Pantelakos, Laura  
Robertson, Carl  
Smith, Paul  
Varrell, Thomas

Carson, Sharon  
Dalrymple, Janeen  
Francoeur, Sheila  
Gould, Kenneth  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
McCann, Richard  
Noyes, Richard  
Pitts, Jacqueline  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin

Casey, Kimberley  
Davidson, Robert  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Scamman, Stella  
Stitch, C Donald

**STRAFFORD**

Bemis, Alan  
Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Spang, Judith  
Vachon, Dennis

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Cataldo, Sam  
Heon, Richard  
Keans, Sandra  
Rollo, Deanna  
Snyder, Clair  
Twombly, James

**SULLIVAN**

Allison, David  
 Ferland, Brenda  
 Harris, Sandra  
 Rodeschin, Beverly

Burling, Peter  
 Flint, Gordon Sr  
 Jones, Constance

Cloutier, John  
 Franklin, Peter  
 Leone, Richard

Donovan, Thomas  
 Harris, Joseph  
 Phinizy, James

**NAYS 120****BELKNAP**

Ahern, Omer Jr  
 Pilliod, James

Boyce, Laurie  
 Wendelboe, Fran

Lawton, David

Nedeau, Stephen

**CARROLL**

Babson, David Jr  
 Patten, Betsey

Dickinson, Howard  
 Stevens, Stanley

Hatch, Paul

Mock, Henry

**CHESHIRE****COOS**

Brady, Mark  
 Woodward, David

Guay, Lawrence

Pratt, Leighton

Richardson, Herbert

**GRAFTON**

Diamond, Estelle  
 Gionet, Edmond  
 Sorg, Gregory

Dudley, Terri  
 Ham, Bonnie

Eaton, Stephanie  
 Ingbreton, Paul

Gilman, G Michael  
 Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
 Balboni, Michael  
 Bouchard, David  
 Christiansen, Lars  
 Gibson, John  
 Hansen, Ryan  
 Jasper, Shawn  
 Luebker, Bernard  
 Ross, Lawrence  
 Tate, Joan

Allan, Nelson  
 Barry, J Gail  
 Bruno, Pierre  
 Crane, Elenore Casey  
 Goulet, Maurice  
 Harrington, Paul  
 Johnson, Lionel  
 McElroy, Henry Jr  
 Slocum, Lee  
 Wheeler, James

Allen, Timothy  
 Beaton, William  
 Buhlman, David  
 Elliott, Larry  
 Goyette, Peter Jr  
 Holden, Randolph  
 LaFlamme, Paul  
 Mercer, Robert  
 Souza, Kathleen

Artz, Lawrence  
 Bergeron, Jean-Guy  
 Carlson, Donald  
 Furman, Christine  
 Hagan, Barbara  
 Hunter, Bruce  
 Lawrence, James  
 Ober, Russell III  
 Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
 Kennedy, Richard  
 Marple, Richard  
 Ouellette, Robert

DeStefano, Stephen  
 Langer, Ray  
 McCormick, Tom  
 Owen, Derek

Field, William  
 Leber, William  
 Nutter, Edward  
 Soltani, Tony

Foley, Albert  
 Lockwood, Priscilla  
 Oliver, James

**ROCKINGHAM**

Allen, Mary  
 Cady, Harriet  
 Doyle, Christopher  
 Fesh, Bob  
 Hughes, Daniel  
 McEachern, Paul  
 Ruffner, Walter  
 Weldy, Norman Jr

Bicknell, Elbert  
 Camm, Kevin  
 Duffy, James  
 Flanders, John Sr  
 Itse, Daniel  
 Morris, Richard  
 Splaine, James  
 Weyler, Kenneth

Bishop, Franklin  
 Clark, Vivian  
 Dumaine, Dudley  
 Gilbert, Karl  
 Johnson, Rogers  
 Putnam, Ed II  
 Weare, E Albert  
 Wiley, Robert

Bridle, Russell  
 DiFruscia, Anthony  
 Dupuis, Roland  
 Holland, James Jr  
 Kelley, Jane  
 Quandt, Matthew  
 Welch, David  
 Zolla, William

**STRAFFORD**

Albert, Russell  
 Newton, Clifford

Bickford, David  
 Scott, David

Campbell, W Packy  
 Woods, Phyllis

Easson, Timothy

**SULLIVAN**

None

and the majority report was adopted.

**HB 569-FN-A-L**, relative to the dollar value of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Tom F. McCormick for Ways and Means: Funding the state's obligation to provide an adequate education requires a certain dollar amount. Since this bill calls for zero dollars for that purpose, it is clear the bill cannot meet the state's obligation. The sponsor was the only one to testify in favor of this bill. The New Hampshire School Board Association and the New Hampshire School Administrators' Association testified against the proposed legislation. Vote 16-1.  
Adopted.

**HB 623-FN-A, repealing RSA 77, relative to taxation of incomes. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey D. Gilbert for the Majority of Ways and Means: This bill would repeal the dividends and interest tax which is anticipated to generate revenues over \$70 million in FY 2004 and nearly \$75 million in FY 2005. Since no new source has been identified to replace these monies and the state must maintain its present revenues, the committee could not consider this proposal. Vote 14-4.

Rep. Lee M. Hammond for the Minority of Ways and Means: The basic bill recognized the fundamental inequity of taxing interest and dividends: it is an income tax. Although a few wealthy may pay this tax, so do many more senior citizens of modest means and parents saving for their children's college education. The tax is discriminatory. Only one class of taxpayers is targeted: only 63,000 of the more than 600,000 who pay federal income tax.

Reps. Phinizy, Jacobson and John Pratt spoke against.

Reps. Hammond spoke against and yielded to questions.

Reps. Major, Jeff Gilbert and Hess spoke in favor.

Rep. Phinizy and requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 213 NAYS 133**

**YEAS 213**

**BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Holbrook, Robert	Lawton, David
Nedeau, Stephen	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Manning, Joseph	Meador, David	Robertson, Timothy	Royce, H Charles
Smith, Edwin			

**COOS**

Brady, Mark	King, Frederick	Pratt, Leighton	Stohl, Eric
Woodward, David			

**GRAFTON**

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Naro, Debra			

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Balboni, Michael
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bruno, Pierre	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gargaszy, Carolyn	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan

Harrington, Paul  
Hunter, Bruce  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, James

Hawkins, Ken  
Infantine, William  
Laflamme, Charles  
Lefebvre, Roland  
Mercer, Robert  
Movsesian, Lori  
Pilotte, Maurice  
Scanlon, Michael  
Tahir, Saghir  
Wheeler, Robert

Haytayan, Harry Jr  
Jasper, Shawn  
LaFlamme, Paul  
Luebker, Bernard  
Messier, Irene  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Tate, Joan

Holden, Randolph  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Pappas, Marc  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Kenison, Leon  
Lockwood, Priscilla  
Nutter, Edward

Blanchard, Elizabeth  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Oliver, James

Clarke, Claire  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Soltani, Tony

DeStefano, Stephen  
Hess, David  
Leber, William  
McCormick, Tom

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Cooney, Richard  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Scamman, Stella  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr

Bicknell, Elbert  
Carson, Sharon  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Bishop, Franklin  
Clark, Vivian  
Doyle, Christopher  
Gilbert, Jeffrey  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Stritch, C Donald  
Weare, E Albert  
Zolla, William

### STRAFFORD

Albert, Russell  
Easson, Timothy  
Twombly, James

Berube, Roger  
Knowles, William  
Woods, Phyllis

Cataldo, Sam  
Newton, Clifford

Dunlap, Patricia  
Scott, David

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 133

### BELKNAP

Laflam, Robert

Pilliod, James

Dickinson, Howard

### CARROLL

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, John  
Webber, Amy

Batchelder, Robert  
Mitchell, McKim  
Richardson, Barbara  
Weed, Charles

Dunn, James  
Parkhurst, Henry  
Slack, Pamela

Eaton, Daniel  
Pratt, Irene  
Tilton, Anna

Mears, Edgar

Poulin, Richard

Richardson, Herbert

Theberge, Robert

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Hammond, Lee  
Sokol, Hilda

Almy, Susan  
Densmore, Edward  
Maybeck, Margie  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon  
Williams, Burton

Bleyler, Ruth  
Ham, Bonnie  
Scovner, Nancy

**HILLSBOROUGH**

Allen, Timothy	Baroody, Benjamin	Barry, J Gail	Brassard, Paul
Buckley, Raymond	Buhlman, David	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Crane, Elenore Casey	Gorman, Mary
Haley, Robert	Hinkle, Peyton	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Konys, Christine	Kopka, Angeline	Lasky, Bette
Malloy, Chris	McElroy, Henry Jr	Ober, Russell III	Pappas, Christopher
Ross, Lawrence	Schulze, Joan	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia			

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Colcord, J D	Davis, Frank
DeJoie, John	Field, William	Foley, Albert	French, Barbara
Gile, Mary	Hamm, Christine	Jacobson, Alf	Marple, Richard
Osborne, Jessie	Ouellette, Robert	Owen, Derek	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Cady, Harriet	Casey, Kimberley	Coes, Betsy
Davidson, Robert	Dearborn, Bruce	DiFruscia, Anthony	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Kelley, Jane	Manning, John
McEachern, Paul	Norelli, Terie	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Wiley, Robert	

**STRAFFORD**

Bickford, David	Callaghan, Frank	Creteau, Irene	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Taylor, Katherine	Taylor, Kathleen	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinzy, James		

and the majority report was adopted.

**HB 628-FN-A-L**, modifying the funding and distribution of moneys for an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: There are a number of bills before the committee addressing education funding and the statewide property tax. Since the committee will consider the concepts contained in this bill in its deliberations of the remaining proposals, the committee believes that it is more appropriate to proceed with one of the other bills to address the statewide property tax and education funding. Vote 16-2.

Adopted.

**BILL REMOVED FROM CONSENT CALENDAR**

**HB 458**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: This bill is based upon the premise that fluoride in drinking water poses a danger to public health. None of the testimony heard by the committee – including “scientific” testimony offered in support of the bill – actually supported the concerns of the sponsors. The New Hampshire Department of Environmental Services testified that the US Environmental Protection Agency has on-going studies regarding the issues of fluoridation and drinking water quality; hence, the effect of this bill would be an inconclusive literature survey. The committee has continued confidence in the ability of the NHDES and USEPA to oversee drinking water quality. Vote 14-0.

Reps. Hagan and Paul Harrington spoke against.

Rep. Bruno spoke in favor and yielded to questions.

Rep. Royce spoke in favor.

Adopted.

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 12, 2003 at 10:00 a.m.  
Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 121**, relative to grounds for modification of a permanent child custody order.

**HB 153-FN**, relative to grounds for termination of parental rights.

**HB 214**, relative to discovery deposition of minors in criminal cases.

**HB 323**, relative to the task force on family law.

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses.

**HB 633-FN**, establishing the interstate compact for adult offender supervision.

**HB 766**, relative to the information required for a license to carry a pistol or revolver.

**HB 499**, expanding opportunities for teacher certification.

**HB 66-FN**, relative to executive agency rulemaking authority.

**HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services.

**HB 833-L**, relative to Shaker Road and Bay Hill Road in the town of Northfield.

**HB 834-L**, relative to River Road and Nimble Hill Road in the town of Newington.

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities.

**HB 127**, establishing a committee to study the effectiveness and fairness of county government.

### UNANIMOUS CONSENT

Reps. McRae, Giuda and Burling addressed the House.

Rep. Tahir moved that the remarks of Rep. Giuda be printed in the Permanent Journal. Without objection, the Speaker so ordered.

### REMARKS

Rep. Giuda: Thank you, Mr. Speaker. Members of the House, several weeks back this body passed House Concurrent Resolution 16 and passed it over to the Senate. They passed it unanimously 24-0. That was a resolution that decries the atrocities being committed over on the other side of the world far out of sight and mind. A delegation, on our own expense, carried that resolution, in hand, to the people of Kashmir. I am happy to stand before you conveying a message back from their leadership and the people who are living behind a veil of terror and oppression that we have sent a message of hope that is totally consistent with the state's motto of "Live Free or Die." In so doing, New Hampshire once again leads the world because of your actions. I wanted to thank you for your support on that bill and convey to the Speaker and every member of this House the sincere gratitude of an oppressed people who look to us now for hope. Thank you.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purposes of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:55 p.m.

### RECESS

#### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 9

Wednesday, March 12, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, The Reverend Canon Marthe Dynen from the Episcopalian Diocese of New Hampshire.

Great and gracious God, You are the God of justice, of peace, of reconciliation and Your mercy endures forever. We gather today in Your presence, mindful that what we do in this place on this day will change lives. For some, the change may be a tremor barely recorded; for others the change may be cataclysmic. As the members of this body, the House of Representatives of the State of New Hampshire, consider and debate the issues before them, we ask Your blessing upon them; give them the wisdom of Your Holy Spirit, the ability to discern Your purpose and will in the changes they set in motion and the patience and tolerance to wait for agreement when each of them hears Your still small voice carrying a different message. Make this body, O God, Your very own, that it may be a powerful force and witness to Your will and that from this place, peace and justice will flow throughout New Hampshire. This we pray in Your most Holy Name. Amen.

Rep. Burton W. Williams led the Pledge of Allegiance.

The National Anthem was sung by Rachael Donnelly, a student from Litchfield Middle School.

### LEAVES OF ABSENCE

Reps. Desmarais, Flanagan, Hagan, Holland, Hunter and Rice, the day, illness.

Reps. Ahern, Nelson Allan, Buhlman, Cail, Corbin, Drisko, Hollinger, Hutchinson, Rogers Johnson, John Manning, Joseph Manning, Palangas, Schulze, Paul Smith, Snyder, Jeffrey Sullivan and Wiley, the day, important business.

Reps. Julie Brown and Langer, the day, illness in the family.

Rep. Itse, the day, death in the family.

### INTRODUCTION OF GUESTS

Michelle Donnelly, David and Lynne Donnelly and Frank Card, parents and grandfather of Rachael Donnelly, guests of the Merrimack Delegation. John Pelletier, son of Rep. Pelletier. David Swartley, guest of Rep. Elliott. Hon. Michael Rollo, son of Rep. Rollo.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment, removed by Rep. Welch.

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission, removed by Rep. Mock.

**HB 51**, apportioning state representative districts, removed by Rep. Leach.

**HB 673-FN-L**, relative to municipal water system connection fees, removed by Rep. Bickford.

**HB 454**, relative to property rights and large groundwater withdrawals, removed by Rep. Cady.

**HB 330**, relative to public utilities mergers and acquisitions, removed by Rep. McHugh.

**HB 609-FN-A**, relative to public interest payphones, removed by Rep. Gorman.

**HB 611-FN-A**, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions, removed by Rep. Souza.

**HB 634-FN-L**, establishing a limit on the applicable tax rate for local school district taxes, removed by Rep. Vachon.

Consent Calendar adopted.

**HB 626-FN**, relative to notification, custody rights, and right to counsel of parents in child abuse and neglect cases. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret D. Hallyburton for Children and Family Law: The committee has three bills on counsel for indigent parents in child protection and guardianship of minors cases. This bill had an early reporting date, so the committee chose to find the bill inexpedient to legislate, carrying forward language onto HB 674-FN or HB 620-FN, which are in subcommittee. Vote 12-0.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation clarifies the statute on violation of privacy. It prohibits dissemination of any photograph or video recording of a person or persons voluntarily engaging in sexual activity without the express consent of the person or persons who appear in the photograph or videotape. Vote 11-1.

#### Amendment (0445h)

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Violation of Privacy; Dissemination of Certain Materials. Amend RSA 644:9 by inserting after paragraph II the following new paragraph:

III. A person is guilty of a class A misdemeanor if that person knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person, or of another person voluntarily engaging in sexual activity while in his or her presence without the express consent of the other person or persons who appear in the photograph or videotape. In this paragraph, "disseminate" shall have the same meaning as in RSA 649-A:2.

2 Effective Date. This act shall take effect January 1, 2004.

#### AMENDED ANALYSIS

This bill establishes a class A misdemeanor offense for any person who knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person, or of another person voluntarily engaging in sexual activity while in his or her presence without the express consent of the other person or persons who appear in the photograph or videotape.

**HB 396-FN**, relative to penalties for tampering with or desecrating a burial site. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The purpose of this bill was to make tampering or desecrating a burial site a more serious offense. RSA 635:6 derives its penalty from RSA 635:8, which makes desecration or tampering a Class B felony. Removing "Purposely or knowingly" from RSA 635:6 in essence takes away the "state of mind" necessary to show criminal intent. In essence the language proposed in this bill decriminalizes the acts it is attempting to curb. From testimony at the hearing it appears that police departments are unfamiliar with RSA 635:6 and attempt to charge perpetrators under the criminal mischief statute, a misdemeanor. The Police Standards and Training director was contacted and agreed to disseminate information to police departments suggesting they consider using RSA 635:6 when deemed appropriate. Vote 11-0.

**HB 409**, relative to the accountability of public officials. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill changes penalties for public officials who fail to respond to an affidavit, commit an unauthorized act, or refrain from performing an official duty. It is meant to add removal from public office and prohibition from seeking public office for 10 years. The committee feels punishment for stated violations are adequately provided for in the statutes which cover misfeasance and malfeasance and nonfeasance. This bill is in response to a single issue. Vote 11-0.

**HB 777**, allowing the commissioner of the department of corrections to enter into contracts with sheriffs' departments to hold persons charged with crimes in state correctional facilities for temporary periods. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt that a state prison should not be used to house people who have not yet been convicted of a crime. Since the town of Berlin has two holding cells this would not be a hardship for them. The sheriff made this agreement with the former warden. The new warden feels that this would jeopardize the security of the prison and he would also need more personnel to be trained to take care of these people. Vote 11-0.

**HB 548**, relative to the notice period for teachers who are not rehired. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The unanimous vote of the committee found no substantive testimony was entered into the record other than the introduction of the legislation by one of the Education Committee members for the sponsor. Vote 16-0.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: The committee supports the establishments of the drop out prevention and drop out recovery program in response to the drop out rate experienced in New Hampshire's schools. Compelling testimony was presented that highlighted both the need for and the success of this program. The bill, as amended, will appropriate \$350,000.00 per year for a two year period targeted towards the first five public high schools that have the highest drop out rate according to the annual State report card. This bill, as amended also creates a council that oversees the program, reports on its success to the Department of Education, Legislature and Governor, and has the ability to seek outside funding either federal or private, to offset the cost of the program. Vote 16-0.

**Amendment (0494h)**

Amend RSA 189:60, II (d) as inserted by section 1 of the bill by replacing it with the following:

(d) Apply for, receive, and expend any funds from federal, state, or non-state sources, including grants and matching funds which may be available, and accept private donations and gifts from any source.

Amend RSA 189:62, I as inserted by section 1 of the bill by replacing it with the following:

I. All programs shall be eligible to apply for dropout prevention and dropout recovery program and funds under this subdivision, provided that such programs and funds shall be targeted, to the extent available, to those high schools with the highest dropout rate, as determined by the department of education.

Amend RSA 189:63 as inserted by section 1 of the bill by replacing it with the following:

189:63 Report. The dropout prevention and dropout recovery oversight council shall annually submit a report to the speaker of the house of representatives, the president of the senate, the commissioner of the department of education, and the governor on the status of the dropout prevention and dropout recovery program. The report shall include details regarding an overall assessment of the effectiveness of the program, the utilization of available funds in the program, dropout rates of participating high schools or other participating entities, graduation rates of participating high schools, the percent of participating students pursuing postsecondary education, and the percent of participating students securing employment in the year following graduation.

Amend the bill by replacing section 2 with the following:

2 Appropriation. There is hereby appropriated the sum of \$350,000 for the fiscal year ending June 30, 2004, and the sum of \$350,000 for the fiscal year ending June 30, 2005, to the department of education for the implementation of the dropout prevention and dropout recovery program set forth in this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Finance.

**HB 780**, relative to the operation of school administrative units. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee has retained an SAU bill and will include the good points of this bill into the retained SAU bill. Vote 18-0.

**HB 120**, relative to checklist corrections on election day. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harriet E. Cady for Election Law: This bill with amendment was at the request of supervisors of the checklist and considered to be good legislation in allowing for a shorter meeting time. The law also allows the supervisors to set longer hours if needed. It further codifies that the ballot clerks shall make changes in red to denote voters address changes or name changes in order to keep checklist most accurate. Vote 16-0.

**Amendment (0545h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to sessions for the correction of the checklist and sessions for changes of party registration.

Amend the bill by replacing all after the enacting clause with the following:

1 Cities and Wards; Voters and Checklists; Reference Deleted. Amend RSA 44:5 to read as follows:  
 44:5 Voters and Checklists. Any person having his *or her* domicile within the city, qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31 [~~except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required~~].

2 Voters and Checklists; Session for Correction. Amend RSA 654:27 to read as follows:  
 654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

3 Voters and Checklists; Procedure. Amend RSA 654:28 to read as follows:  
 654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and ~~[12:00 p.m.]~~ 11:30 a.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours. The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

4 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to read as follows:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between ~~[7]~~ 7:00 p.m. and ~~[9]~~ 7:30 p.m. *and at the discretion of the supervisors for extended hours*. Before the state primary election, the session shall be on Tuesday before the first Wednesday in June between ~~[7]~~ 7:00 p.m. and ~~[9]~~ 7:30 p.m. *and at the discretion of the supervisors for extended hours*.

5 Town Elections; Voters and Checklists. Amend RSA 669:5 to read as follows:  
 669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25—654:31. provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from ~~[7]~~ 7:00 p.m. to ~~[8]~~ 7:30 p.m. and at the discretion of the supervisors for extended hours.

6 School District Elections; Checklist. Amend RSA 671:15 to read as follows:  
 671:15 Checklist. An updated checklist shall be used at all school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Any school district which is coextensive with the town in which it is located may, at an annual meeting under an article in the warrant for such meeting, vote to adopt as the checklist for school meetings the check-

list of the town. In case of such adoption, the supervisors of the town checklist, acting as supervisors of the school district checklist, shall correct, certify, and post the checklist for the district as provided in RSA 654:25-654:31. ~~[The session for correction of the checklist required by RSA 654:27 to be held 3 weeks prior to an election shall not be required for school district elections.]~~ The session required to be held 10 days before the school district meeting or election may coincide with the session for correction held for the town meeting or election provided that the school meeting or election coincides with the town meeting or election. If the school meeting or election is held at a time other than the town meeting or election, a separate session for correction of the checklist shall be required to be held 10 days prior to the school district meeting or election.

7 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill shortens to ½ hour the minimum required length for sessions for the correction of the checklist and sessions for changes of party registration. This bill also deletes certain obsolete references.

#### **HB 140-FN-L, relative to voter checklist verification. INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: This bill would have enacted mandates upon supervisors in town and cities thus causing a cost to the state. The Help America Vote Act will make most changes asked in this bill and will pay for the requirements of updates on checklists. Vote 12-0.

#### **HB 188, relative to listing names on state election ballots. INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: There is another bill to address the listing of candidates on the ballot. The new Help America Vote Act (HAVA) requires voting machines, which will be able to handle a ballot for the elections. The committee felt they should address this issue with the Help America Vote Act. Vote 17-0.

#### **HB 275, establishing a committee to study ballot reform. OUGHT TO PASS**

Rep. Charles F. Weed for Election Law: This study committee will serve as a vehicle for planning to meet ballot clarifications, which may be required by the Help America Vote Act (HAVA). It will also investigate the feasibility of instant runoff voting. Vote 14-2.

#### **HB 319, relative to the deadline for implementing a statewide voter checklist. INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The sponsor of this bill testified that the bill was unnecessary. The sponsor's intent was to statutorily support the implementation of the federal Help America Vote Act (HAVA). Following the introduction of HB 319, the sponsor and the full Election Law Committee have benefited from multiple detailed briefings from the Secretary of State's office regarding the state's efforts to implement HAVA. The sponsor and the committee feel that the state is addressing the complex issue of implementing HAVA in a satisfactory manner. Vote 12-0.

#### **HB 358-FN-L, relative to recount fees in local elections. OUGHT TO PASS**

Rep. Mark S. Derby for Election Law: This bill changes the fee structure for recounts of local elections from a fixed fee to a sliding scale based upon the margin between the votes, as now exists for recounts of elections for state offices. Vote 11-0.

#### **HB 456, relative to the supreme court's authority to appoint a member to the ballot law commission. INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The committee has another bill that addresses the ballot law commission and felt we could do what this bill asked as well as increase the membership of the ballot law commission. Vote 13-3.

#### **HB 648-FN, relative to paid political phone calls. INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Election Law: The sponsor of this bill and the members of the Election Law Committee agreed that the changes to current law included in this bill have been accomplished through an amendment to a similar bill which addresses the issues of political phone calls. Another bill, comprehensive in nature, regarding these calls will soon be forthcoming. Vote 16-0.

#### **HB 658-FN, relative to impersonation of candidates. OUGHT TO PASS**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to make impersonation of a candidate over the telephone for defamatory purposes a misdemeanor and punishable. Vote 11-0.

**HB 790, relative to legislative voting procedures and apportioning state representative districts. INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: The committee congratulates the sponsor of this bill for devoting a tremendous amount of work to this novel plan for redistricting. However, there was no support for the concept of "weighted representation" which the sponsor acknowledged is not used anywhere in the United States. In effect, this plan would create a House in which each of the 400 representatives would not have one vote but rather would have the same number of votes as the number of people in his or her district. For example, a representative from Greenfield would cast 1657 votes for every issue on the House floor while a representative from Wakefield/Brookfield would cast 4856 votes, nearly a three to one difference. A representative from Portsmouth Ward 2 would cast 2210 votes while a representative from Portsmouth Ward 5 would cast 1405 votes. The one Hampton Falls representative would cast 1880 votes while the one North Hampton representative would cast 4259 votes. Not only would this prove to be an extraordinarily cumbersome process in tallying votes, but it would mean that all representatives are no longer equal in terms of voting. Fifty (50%) percent would no longer necessarily constitute a majority. Conceivably a minority of Representatives from larger districts could outvote a majority from smaller districts. While that might be great fun for "numbers crunchers", it could be disastrous for representative democracy. True, this plan increases the number of districts from the court-mandated 88 to 223 thus increasing the chances for smaller communities to be represented. It also presents a mathematically sound method for lowering deviation. Since the votes of representatives would be weighted, there would be no need to approach the ideal of 3089 people per representative. The theory is fascinating, but in the real world, this radical plan would be both unwieldy and unwise. The "first in the nation" state should not be first in pioneering "weighted representation". Vote 11-0.

**HCR 18, relative to state senate and representative districts. INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: The Election Law Committee unanimously supports the position that this resolution is unnecessary in light of the passage of HR 6 which establishes criteria for the redistricting of the House and the fact that the committee intends to retain a redistricting bill to work on between now and next November utilizing the expertise of the county delegations. Vote 16-0.

**HB 73, establishing a committee to study imposing a recycling fee on new computer purchases. INEXPEDIENT TO LEGISLATE**

Rep. Timothy J. Allen for Environment and Agriculture: This bill takes a narrowly focused slice of recycling; however, HB 799 also establishes a study committee, but addresses the larger area of solid waste, of which electronic waste is a part. The committee recommends including the handling of electronic waste in that study committee as part of a comprehensive solution to solid waste recycling. Vote 16-0.

**HB 156, relative to weights and measures. OUGHT TO PASS**

Rep. Peter H. Allen for Environment and Agriculture: This bill was requested by the Department of Agriculture, Markets, and Food to make technical improvements in RSA 438:8, I (h) and RSA 438:8, V. Direct references to the National Conference on Weights and Measures and the National Institute of Standards and Technology were added. There was no opposition to the bill. Vote 16-0.

**HB 181, relative to horseback riding as a recreational use of land in current use taxation. OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill would have allowed horseback riding on current use land that has been granted the 20% recreation adjustment. Permission of landowner was not required if they claimed the 20% recreation adjustment. This caused much concern among current use landowners with several people indicating they would no longer take the 20% recreation adjustment, therefore losing that land to the other recreational uses. The sponsors and those testifying on the bill indicated that liability protection for the landowners who grant permission was one of the main goals of this bill. The amendment removed the current use portion of this bill and retains the liability portion. S.P.A.C.E. has agreed to provide a survey of current use landowners regarding this issue and current use board will review the results at the fall meeting. This will provide us much better information regarding the impact on further legislation. Vote 16-0.

**Amendment (0366h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to limiting landowner liability for giving permission for horseback riding.

Amend the bill by replacing all after the enacting clause with the following:

1 Liability of Landowners; Duty of Care. Amend RSA 212:34 to read as follows:

212:34 Duty of Care.

I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, *horseback riding*, water sports, winter sports or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuelwood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, *ride horseback*, hike, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuelwood from, such premises, or use said premises for water sports, or winter sports does not thereby:

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, *ride horseback*, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, *ride horseback*, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill adds horseback riding to the recreational activities in which landowner liability for personal injury or property damage is limited.

**HB 281-FN**, relative to regulation of irrigation system electricians by the electrician's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francis Sullivan for Executive Departments and Administration: In reviewing RSA 319-C, the committee found that licensure is not required for installers of numerous electrical work "in mines, pipeline systems, ships" or "installation, operation, repair or maintenance of any industrial or manufacturing plant". Thus, the committee realized that the need to license automatic irrigation system electricians was unnecessary. However, to avoid any confusion as to whether this group was violating the law, the amendment specifically includes this group under "exceptions". Vote 16-3.

#### Amendment (0400h)

Amend the title of the bill by replacing it with the following:

AN ACT exempting automatic irrigation system installers from licensure by the electrician's board.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Exemptions. Amend RSA 319-C:3 by inserting after paragraph X the following new paragraph:

XI. A person who makes or, as a business, hires or employs another to make, electrical installations, repairs, alterations, or maintenance on automatic irrigation systems operating at 30 volts or less.

2 Effective Date. This act shall take effect July 1, 2003.

## AMENDED ANALYSIS

This bill exempts persons who install, repair, maintain, or alter automatic irrigation systems from regulation as electricians.

**HB 584-FN-A**, establishing the position of citizens' advocate in the department of environmental services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Anne Marie Irwin for Executive Departments and Administration: The purpose of this bill was to establish and fund a citizen's advocate within the department of environmental services. The committee found funding this position through agency fees was impractical as well as not cost efficient. Vote 16-1.

**HB 679-FN**, relative to medical savings accounts. **INEXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would amend RSA 21-I by requiring the commissioner of administrative services to establish medical savings accounts as an option to traditional state employees health insurance. The committee reviewed this bill and found that there were numerous technical concerns with the bill. The sponsor spoke eloquently of an alternative health plan that would offer employees an option over existing plans while insuring catastrophic coverage. However, the bill does not address any structural, programmatic or coverage aspects. Finally, health care is a permissible subject of collective bargaining. Since the SEA is currently negotiating, the committee believes this type of health coverage should be addressed through collective bargaining rather than statute. Vote 15-3.

**HB 469**, relative to areas of the state for hunting by crossbow. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill as amended prohibits the possession of a cocked crossbow in a motor vehicle, OHRV, aircraft, boat or other craft while being propelled by mechanical power. This bill allows the Fish and Game Department, under administrative rules, to authorize the use of crossbows in communities that are currently restricted to shotguns. The bill, unopposed, was supported by the Fish and Game Department and the New Hampshire Wildlife Federation. Vote 14-0.

#### Amendment (0319h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Hunting from Motor Vehicle, OHRV, Boat, or Aircraft; Crossbows Added. Amend RSA 207:7, II and III to read as follows:

II. No person shall have or carry, in or on a motor vehicle, OHRV, or aircraft, whether moving or stationary, *a cocked crossbow*, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, *a cocked crossbow*, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

**HB 533**, relative to health carrier disclosure for medical child support enforcement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Pamela G. Price for Health, Human Services and Elderly Affairs: This bill was requested by the Department of Health and Human Services, for medical child support enforcement purposes. Medical coverage may be ordered by the courts and child custody cases, but be difficult to identify when parents change jobs, or change insurance carriers without notifying the Department. The state often provides coverage under medicaid in the absence of other known insurance. This bill would allow us to electronically cross-match the New Hampshire Division of Child Support Services caseload against private carrier files to identify insurance coverage that is not already known to Division of Child Support Services. The bill does not expand the information that the insurance company provides to the Department, it expands the uses of that information to facilitate the enforcement of laws we already have. The bill was amended to address the privacy concerns of the committee. The Department may identify individuals by name, but may only use the last four digits of their social security number. Also, the new law will require any health carrier, public agency, or contracted agent who performs the electronic cross-match to purge any information received from



the Department immediately upon completion of the data match exchange. The bill has the potential to save the Department of Health and Human Services millions of medicaid payments. This enforces the rights of the children to health coverage. We ask your support of the unanimous committee vote of ought to pass with amendment. Vote 14-0.

### **Amendment (0413h)**

Amend RSA 161-C:3-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The department may provide certain information to health carriers, as defined in RSA 420-G:2, public agencies or its contracted agents concerning individuals who are subject to an order to provide health insurance coverage for dependents administered by the office of child support enforcement services, and their dependent children covered by such medical support orders, as necessary to cross-match the individuals with policyholder and subscriber information pursuant to RSA 161-C:3-e and rules adopted by the commissioner pursuant to that section, for the purpose of enforcing orders for medical support. The department may identify such individuals by name, the last 4 digits of the individual's social security number or other taxpayer identification number, date of birth, last known address, employer, or any combination thereof.

Amend RSA 161-C:3-e, III as inserted by section 2 of the bill by replacing it with the following:

III. All information disclosed by the department for the purpose of the electronic cross-match shall remain property of the state of New Hampshire. Any health carrier, public agency, or contracted agent engaged by the department to perform the electronic cross-match shall purge any information received from the department pursuant to this section concerning individuals or dependents from its records and databases immediately upon the completion of the data match exchange.

IV. In any case where the department administers a medical child support order on behalf of a dependent child who does not receive temporary assistance to needy families or medical assistance, the transaction costs associated with the electronic cross-match shall be paid in advance by the custodial parent or guardian, and the non-custodial parent shall reimburse the custodial parent for such transaction costs.

V. Any health carrier who supplies information in accordance with this section and with rules adopted under RSA 161-C:28 shall have immunity from any civil or criminal liability that might otherwise be imposed or incurred.

**HB 831**, establishing a New Hampshire end-of-life care study commission. **OUGHT TO PASS**  
Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a commission to study and develop approaches to prepare people, health providers, and other caregivers in offering access to quality end-of-life care. In addition to two Representatives and two Senators, the commission will include representatives from the following New Hampshire organizations: Foundation for Healthy Communities, Hospice, Hospital Association, Medical Society, Association of Home Care Facilities, Health Care Association, Council of Churches, Nurses Association, Bar Association, Minority Health Coalition, Association of Counties, Department of Health and Human Services, and Department of Safety. The issues to be addressed are ways to: 1) educate the public about advance care planning (e.g. living wills, durable power of attorney) and to ensure that advanced directives are honored by health providers, emergency medical providers, and family and other care givers; 2) increase understanding of and access to palliative care services (i.e. adequate pain management); 3) encourage people to discuss dying (the ultimate consequence of life) with family and/or friends and to express their wishes as to the actions to be taken, or not taken, in the event of their death. Vote 13-0.

**HB 199-FN-A**, establishing new special justice positions in the Manchester, Concord, and Nashua district courts and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert H. Rowe for Judiciary: Currently, the Nashua and Manchester District Courts are each staffed with a full-time judge, a full-time associate judge and a special justice. A special justice is a part-time judge who is assigned and paid on a per-diem basis. A special justice can be assigned to sit from one to five days a week, as is the case in the Manchester and Nashua district courts. It was the desire of the proponents of this bill that both of the sitting special justices could be made full-time judges without the need for approval by governor and council. The committee and the executive branch believe that changing a part-time judge to a full time judge is the creation of a new position and executive branch approval is necessary. Because of this requirement, the proponents and sponsor of this bill have requested that the bill not go forward so that the two part-time special judges may continue in their current capacity. Vote 14-0.

**HB 290**, relative to the burden of proof in medical injury cases. **INEXPEDIENT TO LEGISLATE**  
Rep. John M. Pratt for Judiciary: The sponsor of this bill agreed with the overwhelming opinion of the committee that the "loss of opportunity" doctrine is best left to the courts, which created the doctrine in the case of Lord v. Lovett. The committee concluded that the issue does not need to be codified at this point. Vote 16-1.

**HB 373**, establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would have put into place a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. In addition, the duties of this committee would have involved looking into the benefit of putting a preamble on all proposed legislation to unequivocally state precise legislative intent by being written in the "precise self-executing language of Latin." The committee heard testimony that there is already a law that spells out various tenets of statutory construction and there is a large body of law on this issue. The committee felt that to study this would be extremely cumbersome and redundant because of the many volumes already written by scholars on the subject and the involvement of Latin would also be at cross purposes to the sponsor's intent of making legislation easily understood by all. Vote 13-0.

**HB 437**, establishing a committee to study the feasibility of implementing common law grand juries in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This bill would establish a committee to study the feasibility of implementing common law grand juries in New Hampshire. The sponsor testified that the purpose of having such grand juries would be to help people who encounter abuses with public servants but are unable to access the grand jury by reason of the failure of county attorneys- themselves public servants- to pursue their cases. The committee noted that the large number of bills before it seeking appointment of study committees would, if all were passed, keep a large percentage of the House in session all summer, and that those, such as this, which are premised totally on anecdotal evidence of abuse, should be eliminated from the total. Vote 12-0.

**HB 441**, establishing a committee to study adoption of the Uniform Probate Code. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill is to establish a study committee to determine if NH should adopt the Uniform Probate Code. This code has been developed by a division of the American Bar Association. Sixteen states have adopted this uniform code. The Uniform Probate Code is an unsupervised probate process. This means an executor or administrator of an estate can sell property or distribute the estate assets without supervision by the probate court. Unsupervised probate could and probably would result in the mismanagement of an estate. The NH probate system is a supervised system where approval of a judge is necessary for the distribution or sale of estate assets and to conclude the probate state. NH probate is thorough but a relatively simple system that protects the estate assets. Further, to adopt the Uniform Probate Code would require the change of a great number of other NH statutes. The committee feels that study of the Uniform Probate Code is unnecessary at this time. Vote 13-0.

**HB 490**, relative to the application of statutes, and rules or ordinances authorized by statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 21:1 to require that no application of a statute, administrative rule, or local regulation shall prohibit or be contrary to constitutional rights. The committee determined that the redundancy of prohibiting by statute that which is already prohibited by the constitution would be unlikely to serve the sponsor's intended purpose of preventing or deterring the occasional inadvertently promulgated statute, rule or regulation from getting by. Vote 14-0.

**HB 508**, relative to participation of insured defendants in superior court mediations. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would prohibit the superior court from requiring an insured defendant represented by the insurer to attend mediation or other court-ordered alternate dispute resolution proceedings. The sponsor testified that the bill was filed for the purpose of countermanning an anticipated new superior court rule that would require such attendance, but that rule

to date has not been and may never be issued. In deciding against either retaining or recommending passage of this bill, the committee determined that since, even were such a rule to be issued, the Court, pursuant to existing superior court rules, could upon motion grant relief from it in appropriate cases, there was no need to provoke a possible confrontation between the legislature and judicial branches over Part 2, Article 73-a rulemaking authority on this issue. Vote 12-1.

**HB 523-FN**, reducing the number of superior court justices. **INEXPEDIENT TO LEGISLATE**  
Rep. Gregory M. Sorg for Judiciary: This bill would reduce the number of superior court judges from 28 to 25. The sponsor testified that this bill had been filed on the understanding that the workload of the superior courts was decreasing as the backlog has been reduced, but that recent review has shown that the current caseload per judge in fact remains within the national average and will soon be increased by the shift of the landlord/tenant appeals from the supreme to the superior court. For these reasons, the sponsor recommended that the bill should be voted inexpedient to legislate. The committee noted that should the situation change, the number of judges could still be reduced through attrition by retirement, resignation and the failure of the governor to appoint replacements. Vote 14-0.

**HB 255-L**, authorizing the creation of special purpose village districts within the Fall Mountain regional school district. **INEXPEDIENT TO LEGISLATE**  
Rep. Eric G. Stohl for Municipal and County Government: This bill would have provided a procedure for the towns which now make up the Fall Mountain regional school district to breakup into five (5) different village districts for a special purpose; that being able to construct, own and maintain public school facilities within their town's geographic limits. The committee heard testimony from many individuals on both sides of the issue and considered all the information in their deliberations. The final unanimous decision was that due to the many legal issues that have yet to be answered in the courts, the committee felt that this was not the forum for this issue at this time. Vote 12-0.

**HB 432**, relative to nonbinding municipal referendums. **INEXPEDIENT TO LEGISLATE**  
Rep. Thomas J. Gillick for Municipal and County Government: After discussion by the committee regarding the legal requirements of referenda versus warrant articles, the sponsor suggested that the reason for his bill was no longer a matter of concern and requested that the bill be voted inexpedient to legislate. Vote 11-1.

**HB 434-L**, relative to junkyards and motor vehicle recycling yards. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Laurie J. Boyce for Municipal and County Government: This bill gives the governing body of a town/city/unincorporated place the ability to impose a civil penalty on the owner(s) of property that is not in compliance with local junkyard laws along with the procedure for enforcement. This bill does not relieve the owner of doing the corrections to the property nor does it relieve them of bringing the property into compliance. Vote 13-0.

#### **Amendment (0442h)**

Amend RSA 236:128, III as inserted by section 2 of the bill by replacing it with the following:

III. The local governing body or other enforcement official of the town, city, or unincorporated place, after providing notice, may impose a civil penalty of up to \$50 for each day upon any person whose land is deemed a nuisance pursuant to RSA 236:119 until such time as the nuisance is removed or abated to the satisfaction of the governing body, or until the owner of the land acquires a license and is in compliance with the provisions of this subdivision. The building inspector or other local official with the authority to enforce the provisions of this section may commence an action to collect the civil penalty in the district court. Imposition of a civil penalty under this paragraph shall not relieve the owner of any requirement to comply with the provisions of this subdivision, nor shall it preclude the imposition of further actions or remedies under this chapter. The proceeds from the assessment of civil penalties under this section shall be for the use of the town, city, or unincorporated place. Notwithstanding any other provision of law, this paragraph shall not apply to automotive recycling yards and junkyards properly licensed or pending license renewal under this subdivision.

**HB 453**, relative to recommendations of certain municipal boards. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert L. Theberge for Municipal and County Government: This bill prevents any local body other than the budget committee from recommending a municipal budget. Given a Town Govern-

ment structure, this bill would exclude the governing body. The committee felt that a recommendation does not promote the views of a select group, nor does it pressure voters to vote a certain way. If passed, this bill would have made it illegal to post meetings. Vote 13-0.

**HB 706-FN-L**, relative to the definition of net indebtedness under the municipal finance act. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would change the definition of net indebtedness under the municipal finance act. However, the prime sponsor indicated the bill was no longer necessary. Vote 15-0.

**HB 197-FN-A**, making an appropriation to the harbor dredging and pier maintenance fund. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would appropriate \$1,000,000 to the harbor dredging and pier maintenance fund for the dredging of Hampton and Seabrook Harbors. Information was later received by the committee that such dredging would only cost \$500,000. But importantly, this bill is a separate capital appropriation which could be included in this year's Capital Budget. Finally, the Army Corps of Engineers using federal funds may soon do the dredging. Therefore, the committee believes this bill is unnecessary. Vote 16-0.

**HB 631-FN-A**, relative to emergency access to Interstate 95 in the towns of Hampton and Hampton Falls and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works and Highways: It became apparent during testimony that the New Hampshire Department of Transportation is working on a series of improvements to the turnpike in this area. Also, there have been preliminary talks with the Hampton Fire and Rescue Service. It is the committee's expectation that the cooperation between the two parties can solve the access problems more quickly than through legislation. Vote 16-0.

**HB 708-FN-L**, permitting certain village districts to become eligible for state highway aid apportionment. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have permitted village districts organized for road maintenance to become eligible for state highway aid apportionment. The committee heard that three such districts exist in the state, although representatives from only one district testified in favor of the bill. Both the Department of Transportation and the New Hampshire Municipal Association testified against the bill. In the final analysis, the committee felt that this is a local issue. Vote 17-0.

**HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works and Highways: Currently in state statutes there is a date of July 1, 2003 at which time the state would turn over ownership of Skyhaven Airport to a local political subdivision. Rochester, where the airport is located, is in the process of finding locations for wetlands mitigation and financing of a sewer installation. The airport can become financially viable and acceptable to the city if these issues can be realized. However, there is still more work to be done with the Federal Aviation Administration and the Army Corps of Engineers. This date extension should provide the time to work out the projects. Vote 16-0.

Referred to Finance.

**HB 769**, relative to the lighting of certain advertising devices along highways. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works and Highways: This bill requires certain types of lighting on highway signs in the future. There are various reasons the committee supports this legislation. 1) State-of-the-art technology is moving in this direction. With this statute, advertisers will know they can't dump outdated fixtures in New Hampshire. 2) It has now become well documented that environmental sky pollution needs to be controlled. 3) There are safety concerns with glare on highways particularly on wet pavement. Top down lighting makes sense. Vote 16-1.

**HB 289**, relative to outdoor automatic sprinkler systems. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: After over one hour of public testimony on automatic sprinkler systems it was decided by the Resources, Recreation and Development Committee that this bill is not necessary. When new systems or old systems are upgraded automatic shut-offs are offered as part of the installation. The automatic shut-off works after a period

of rain has fallen. This bill would only address inground systems. It was felt that this bill was not necessary for the entire state of New Hampshire. Local communities can control the use of water on public systems. Vote 13-0.

**HB 660-FN, relative to the fee for excavating and dredging permits. INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would increase the fee for an excavating and dredging permit from \$0.04 per square foot to \$0.05 per square foot. The committee, as well as the sponsor of this bill, believe that this issue is better addressed in another, more comprehensive bill which is already being considered this session. Vote 15-0.

**HB 732-FN, relative to fines for forestry law violations, and deceptive forestry business practices. OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill as amended requires the Department of Resources and Economic Development (DRED) to establish a unified fine schedule for forestry law violations. The bill also allows pleas to be entered by mail in lieu of court appearances. One major concern addressed in this bill is informing the owner of timber to be harvested that they have a 10% yield tax to be paid to their town. Vote 19-0.

**Amendment (0553h)**

Amend RSA 227-J:15, I as inserted by section 2 of the bill by replacing it with the following:

I. A person is guilty of a class B felony if the loss is greater than \$1,000 or otherwise guilty of a misdemeanor who in the course of buying and selling of a forest product, as defined under RSA 227-G:4, VII, *recklessly*:

- (a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity as provided under RSA 438; or
- (b) Sells, offers, or exposes for sale or delivers less than the represented quantity of any ~~[commodity]~~ *forest product* or service; or
- (c) Takes or attempts to take more than the represented quantity of any ~~[commodity]~~ *forest product* or service when as buyer the person furnishes the weight or measure; or
- (d) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or
- (e) Does not remunerate the owner of the timber for the value of the forest products pursuant to a written ~~[or verbal]~~ contract; or
- (f) Does not furnish the owner, upon *written* request, with all scale slips to verify the amount of the forest products removed from the owner's property.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Guidance on Yield Tax. Amend RSA 79 by inserting after section 30 the following new section:

79:31 Guidance on Yield Tax.

I. The department of revenue administration shall make available on its internet site the average stumpage value list provided pursuant to RSA 79:1, III(b).

II. The department shall prepare for persons responsible for payment of the normal yield tax an information guide on how local assessing officials determine the tax assessment. The guide shall include, among other matters, the internet address of the stumpage value list prepared by the department, and the process for appealing an assessment. The department shall make the guide available to the public on its internet site and by any other cost effective means.

III. The department shall include on the intent to cut form, prior to the signature line of the owner, language that makes reference to the internet address of the information guide and to a department phone number where information on the 10 percent normal yield tax can be obtained.

8 Interim Dissemination of Information. The department of revenue administration shall immediately attempt to gain voluntary assistance, as is practical, from municipalities, foresters, and loggers to inform owners of the information sources detailed in RSA 79:31 concerning the normal yield tax.

9 Effective Date.

I. Section 2 of this act shall take effect 60 days after its passage.

II. Sections 7-8 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development to establish a unified fine schedule and allows pleas to be entered by mail in lieu of court appearances.

This bill also clarifies deceptive forestry business practices, and provides for the dissemination of information on the normal yield tax.

**HB 109-FN, establishing a New Hampshire do-not-call list for telephone solicitation. OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsors of HB 109 indicated that telemarketing calls were their most troubling constituent concern during the last election season. The subject of unwanted telemarketing calls was exacerbated this past year by an unusually high number of politically motivated surveys and infomercials. This bill was amended by the committee to mirror the Federal Trade Commission's new rules that established an inter-state do-not-call list for telephone solicitation. Their rules received federal funding earlier this year and will be implemented by August. We applied the same FTC rules to intra-state telemarketers and worked with the Attorney General's Office to establish oversight by their office to implement, monitor and collect fees and fines. Vote 16-0.

**Amendment (0373h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to telemarketing practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Use of Automatic Telephone Dialing Systems; Chapter Heading Amended. Amend the chapter heading of RSA 359-E to read as follows:

**CHAPTER 359-E**

**[USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS AND CALLER IDENTIFICATION SERVICES]**

**TELEMARKETING**

2 New Subdivision Heading; Use of Automatic Telephone Dialing Systems and Caller Identification Services. Amend RSA 359-E by inserting, preceding RSA 359-E:1, the following subdivision heading:

Use of Automatic Telephone Dialing Systems and Caller Identification Services

3 New Subdivision; Telemarketing Sales Calls. Amend RSA 359-E by inserting after section 6 the following new subdivision:

Telemarketing Sales Calls

359-E:7 Definitions. In this subdivision:

I. "Bureau" means the consumer protection and antitrust bureau of the office of the department of justice.

II. "Customer" means any natural person who:

(a) Is a resident of this state.

(b) Is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.

(c) Is a residential, business, mobile, or telephonic paging device telephone subscriber.

III. "Do-not-call registry" means the Federal Trade Commission's do-not-call registry, established pursuant to the Federal Trade Commission Telemarketing Sales Rule, 68 Fed. Reg. 19,4672 (2003) (to be codified at 16 C.F.R. part 310, section 310.4(b)(1)(iii)(B)), as amended.

IV. "Goods and services" means any goods and services, and shall include any real property or any tangible personal property or services of any kind.

V. "Person" means any natural person, association, partnership, firm, corporation and its affiliates or subsidiaries, or other business entity.

VI. "Telemarketer" means any person who, for financial profit or commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this state or any person who directly controls or supervises the conduct of a telemarketer. For the purposes of this subdivision, "commercial purposes" shall mean the sale or offer for sale of goods or services.

VII. "Telemarketing" means any plan, program, or campaign which is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more

telephones and which involves more than one telephone call by a telemarketer in which the customer is located within the state at the time of the call. Telemarketing shall not include the solicitation of sales through media other than by telephone calls.

VIII. "Telemarketing sales call" means a telephone call by a telemarketer originating in this state or outside of this state to a customer in this state for the purpose of inducing payment or the exchange of any other consideration for any goods or services. A telemarketing sales call shall not include a call made:

(a) In response to an express written or verbal request of the customer called.

(b) In connection with an existing business relationship, which has not been terminated by either party.

(c) On behalf of a nonprofit charity or political campaign.

359-E:8 Prohibited Telemarketing Sales Calls. Telemarketers are prohibited from conducting telemarketing sales calls to any customer who has registered his or her name or telephone number with the Federal Trade Commission's do-not-call registry.

359-E:9 Obligation to Obtain Do-Not-Call Registry. Telemarketers making telemarketing sales calls originating in the state shall obtain the do-not-call registry from the bureau. Telemarketers making telemarketing sales calls originating outside of the state shall obtain the do-not-call registry from the bureau or from the Federal Trade Commission. The bureau shall charge a fee for the registry in an amount sufficient to cover any costs incurred by the bureau in providing the registry.

359-E:10 Notice of Do-Not-Call Registry.

I. The bureau shall provide notice to customers of the do-not-call registry. Any customer who wishes to be included on the registry shall notify the Federal Trade Commission in such manner as the commission may prescribe or shall notify the bureau in writing or via the Internet. A customer may be removed from the registry upon the customer's written request to the bureau or in such manner as the commission may prescribe.

II. The bureau shall update and transmit to the Federal Trade Commission all new names and telephone numbers received for inclusion in the registry not less than quarterly.

359-E:11 Rulemaking. The department of justice shall adopt rules under RSA 541-A relative to the requirements of this subdivision.

359-E:12 Telemarketing; Disclosure Required.

I. If a telemarketer places a telemarketing sales call that is otherwise permitted by this subdivision, the telemarketer shall immediately disclose the caller's identity, the business on whose behalf he or she is soliciting, and the consumer goods or services being offered or sold.

II. If a sale or an agreement to purchase is completed, the telemarketer shall inform the customer of the customer's cancellation rights and give the telephone number and complete address of the telemarketer and the total price or cost of the sale or agreement. In addition, the telemarketer shall provide a detailed written description of the goods or services purchased, unless the customer waives the right to receive such description.

359-E:13 Penalties.

I. A violation of RSA 359-E:8 or RSA 359-E:12 shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this subdivision. Such remedies shall be in addition to any other remedies provided by law or equity and shall be in addition to any other penalty provided by this section.

II. A violation of RSA 359-E:8 or RSA 359-E:12 shall result in the loss of ability to conduct telemarketing in this state for a period of 2 years and shall result in a fine of \$11,000 per violation. Any funds so collected shall be used by the bureau to defray costs associated with the implementation and enforcement of this subdivision.

4 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill prohibits telemarketers from calling customers who have placed their names on the Federal Trade Commission's do-not-call registry.

The bill also requires telemarketers to make certain disclosures relative to the identity of the caller and the nature of any sale or agreement.

Referred to Finance.

**HB 331-FN**, relative to discovery in public utilities commission proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would establish a penalty for delay by a utility in complying with a discovery action before the Public Utilities Commission until such time that any question by any intervenor be answered to the intervenor's satisfaction. The committee agreed that this would have an adverse effect on staff, increase delay, and result in additional costs which could impact utility rates for state, county and local governments. Vote 15-1.

**HB 703-FN**, permitting free admission to the state park system for disabled veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The committee believes that providing free admission to the state park system is a modest yet appropriate manner of honoring those men and women who have made profound sacrifices for their country. This legislation was crafted with the input of park system officials, who reassured the committee that this bill is fiscally feasible. Vote 15-0.

**Amendment (0407h)**

Amend RSA 216-A:3-g, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No disabled veteran of this state, upon providing satisfactory proof of a service-connected disability, shall be charged a fee for admission to the state park system. Special number plates issued to disabled veterans pursuant to RSA 261:86 or a letter issued by the United States Department of Veterans Affairs certifying that the veteran suffers from a service-connected disability shall constitute satisfactory proof under this section. Any fees for the use of enterprise activities as defined in paragraph II shall be charged.

**HCR 6**, urging the creation of a free and independent Palestinian state. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The sponsor of HCR 6 wished to withdraw this resolution. Accordingly, the committee recommends that the resolution be reported as Inexpedient to Legislate. Vote 11-0.

**HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: This resolution urges the President and Joint Chiefs of Staff to abandon the Total Information Awareness Initiative (TIA). The federal government's TIA seeks to track and store information on all American in a central database. The committee felt that this degree of government knowledge of the lives of ordinary Americans could be devastating to our liberty and our republic. The committee feels that this resolution is important and necessary to protect the people of the State of New Hampshire. Vote 14-1.

**HR 9**, urging the federal government to extend the Internet Tax Freedom Act moratorium. **OUGHT TO PASS**

Rep. Lawrence J. Guay for State-Federal Relations and Veterans Affairs: This House Resolution urges the federal government to extend the Internet Tax Freedom Act. This act took effect on October 01, 1998 and provided a 3-year moratorium on new taxes on internet access. The committee agrees that it should be extended permanently. Vote 14-1.

**HR 10**, urging the department of defense to establish a military presence in the state of New Hampshire for purposes of domestic security. **INEXPEDIENT TO LEGISLATE**

Rep. Russell A. Albert for State-Federal Relations & Veterans Affairs: The committee felt that this bill will circumvent an established federal government procedure by urging the Department of Defense to establish a military presence at the Peace Development Authority. Vote 16-0.

**HB 103-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish special number plates to be affixed to the personal vehicles of licensed emergency medical care providers and firefighters who respond to calls. This bill establishes two separate special plates, one for emergency medical technician personnel and one for firefighters to use on their personal vehicles. During the public hear-



ing the sponsors asked the committee to support this legislation so that firefighters would be recognized at emergency scenes. The committee was told that in the larger communities fire departments did not want confusion while managing an emergency scene. Call firefighters are allowed to have flashing red lights, sirens and plaques on their personal vehicles to identify them while on call. The bill also requires an application from the local fire chief with proof that the applicant is qualified to receive these special plates. It also requires the fire chief to be responsible for the plate upon the termination of the employee. Additionally, as written, this bill would allow private companies who provide medical services to authorize their EMTs to qualify. The fire chiefs are opposed to this bill, they are consumed with important responsibilities and don't want to chase down license plates. They are not sure that they would even have the authority to do so. The Department of Safety is also opposed to this bill; identification is an issue for law enforcement. The department estimates that the startup cost for these plates to be \$97,000.00. This would be taken from the Highway Fund. While the veteran's plates are considered a success, there are 135,000 veterans in New Hampshire as of February 2003, only 9,300 have been sold. This is considered average from looking at other states. There are considerably less firefighters and EMTs who are qualified to receive this plate as proposed. Testimony provided by the sponsors during the public hearing reported there were in the vicinity off 5,000. Vote 14-0.

**HB 142**, relative to motor vehicle registration expiration dates. **INEXPEDIENT TO LEGISLATE**  
Rep. Lawrence A. Artz for Transportation: The original intent of this bill was that motor vehicle owners would have the ability to register and inspect their vehicles in a month other than their birth month in order to be of more convenience to the vehicle owner, as well as to better expedite the process of reactivating expired registrations of vehicles, as what is common with owners of seasonably-driven vehicles with birthdays that are in months during the winter. After discussing the issue with the Director of Motor Vehicles, it was determined that there would be problems in administering an alternate registration expiration cycle due to the way the department is currently set up. As more town clerks become connected to the Department of Safety's database, the issue of the vehicle owner having to take additional steps to reactivate an expired registration will correct itself over time. Vote 14-0.

**HB 346**, establishing a commission to study the impact of traffic law violations on public health and safety and state and municipal resources. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: This bill would establish a commission to study the impact of traffic law violations on public health, safety and state and municipal resources. While the committee understands the sponsors' intent and motives, testimony revealed that they were not aware of the Governor's Task Force on Fatalities and Highway Safety. It became evident that resources were a factor in this legislation, however, the state currently shares fine money with municipalities, and highway funds are constitutionally dedicated (Article 6). This bill would be a redundant effort. Vote 15-0.

**HB 379**, relative to penalties for OHRV violations by underage operators. **OUGHT TO PASS**  
Rep. Robert J. Letourneau for Transportation: This legislation would be helpful in solving the many problems homeowners and law enforcement face with underage operators of off highway recreational vehicles. There are many problems with personal property damage and trespassing by these youthful violators. This bill would put some teeth into the current law by providing ownership liability, increased penalties and fees. Vote 14-0.

**HB 406**, establishing a speed limit for powerboats on Lake Winnepesaukee. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a speed limit on Lake Winnepesaukee during nighttime hours. The sponsors of this legislation did not appear before the committee to support this bill. Twenty-two members of the public testified in opposition while only three testified in favor. Many of these folks commute to and from work from the islands in the lake, often arriving later in the evening. This would impose severe restrictions on those folks who commute. This would also have a dramatic effect on the Mt. Washington Cruise Line and other social activities on the lake in the evening. No evidence was presented that showed this was a safety issue. Additionally, this would require additional marine patrol officers for nighttime coverage for enforcement. This would add many dollars to the marine patrol budget or cause other lakes to lose

officers for the additional patrols. One last point, the implementation of the Boater Education Program (House Bill 499) in 2000 is the key to safer boating. According to the Department of Safety over 21,000 boaters have taken and passed the course to date. Vote 14-0.

**HB 570-FN**, relative to motor vehicle records of persons involved in accidents. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would permit the release of motor vehicle records of persons involved in a motor vehicle accident for the purpose of correcting or updating incorrect or out-of-date information provided by the person at the accident scene. Testimony revealed that this is already the case and current law provides for law enforcement, insurance companies, attorneys and appropriate persons to receive this information on a case-by-case basis as needed. Vote 14-0.

**HB 819**, relative to original and youth operators' licenses. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill was a request of the Department of Safety to make technical corrections to the youth operators license provision that went into effect January 1, 2003. The bill will move a youth operator who completes the first year of driving conviction-free into a second phase of licensing. This second phase will give a vertical license to those under age of 21. Upon turning 21 the operator would move into the full original license. This hopefully will help alleviate underage drinking by having such a distinctive license. This policy is also being tried in numerous other states. Vote 15-0.

**HB 632-FN-A-L**, limiting the collection by the state of excess education property tax payments. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: This bill would have the effect of establishing different statewide property tax rates for each donor town. Accordingly, the committee believes that the bill is unconstitutional. In addition, neither the DRA or any witness at the public hearing was able to assess the fiscal impact of the bill. Vote 15-0.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This important bill proposes the restructuring of the county-state Medicaid obligations, in face of the July 1, 2003 sunset of SB 409 (1999). It included a 10 cent tobacco tax increase to pay for the then- assumed cost. The prime sponsor also supported a nursing home bed tax as an alternative revenue source, and similar taxes on home health care and some intermediate care beds open to Medicaid clients were considered. Without knowing at what level the nursing home and other Medicaid provider payments will be funded by the Finance Committee, or how they will restructure the policy part of the bill, the Ways & Means Committee is incapable of evaluating whether these revenue options are appropriate. The Committee therefore stripped the revenue source from the bill and sends it forward without recommendation on the policy aspects to be dealt with by the Finance Committee, which has agreed to consult with Ways & Means when they return to the question of revenue. Vote 18-0.

**Amendment (0504h)**

Amend section 1 of the bill by replacing paragraph I with the following:

I. The purpose of this act is to reauthorize the county obligation to fund a portion of the non-federal share of medicaid expenses for long-term care programs. The goal of this increase in long-term care expenditure is to reduce the substantial county medicaid deficit. The act ensures that county long-term care spending that is not currently matched through the medicaid program will be included in this program.

Amend the bill by replacing all after section 7 with the following:

8 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, [2003] **2008**.

9 Rulemaking by Health and Human Services; Contingency.

I. Administrative rules relative to the administration of this chapter proposed by the commissioner of the department of health and human services pursuant to RSA 167:3-c, XIII, as inserted by section of this act, shall be filed pursuant to RSA 541-A:10 and shall be adopted within 120 days of the effective date of this section.

II. Payments by counties pursuant to RSA 167:18-b, as amended by this act, after January 1, 2004, shall not be required if the rulemaking requirement under paragraph I is not complied with and such rules are not adopted by the commissioner of health and human services.

10 Applicability. Nothing in this act shall be construed to create a new right on entitlement on behalf of any person to receive a service provided by the state.

11 Effective Date.

I. Section 8 of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill:

I. Establishes a statutory county-state finance commission.

II. Extends and amends the payment provisions for counties relative to the nonfederal share of nursing home facility services.

III. Adds a county official to the health services planning and review board.

Referred to Finance.

### **HB 741-FN**, relative to an education property tax cap for retired residents. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: This bill would cap the education property tax for certain retirees to the amount they paid their first year of retirement. The committee supported the goal of enhancing property tax relief for our needy citizens but was concerned with the uncertain costs and administrative hurdles inherent in the bill's approach due to death, divorce, age differential of spouses, and other unforeseen circumstances. The committee concluded that the bill's goals could be achieved through other pending legislation. Vote 13-2.

### **HB 743-FN-A**, establishing a disposal tax on disposable diapers. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The bill's sponsor sought a mechanism to reduce solid waste and simultaneously raise revenues by placing a \$.01 tax on each juvenile disposable diaper sold at retail in New Hampshire. Though this may be a laudable goal, the committee felt that it put an unfair burden on young parents and would be difficult to administer. Vote 17-0.

### **HB 828-FN-A-L**, relative to alternative fuel vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The sponsor brought up the issue of alternative-fuel and hybrid vehicles, and how the state can encourage them to improve air quality and decrease reliance on imported oil. The committee felt that a greater problem was the declining revenues to be expected from the gas tax (road toll) as these vehicles increase, and how to fund the Highway Fund as this transition occurs. It therefore amended the bill into a study committee to look at both these issues, the changing source of Highway Fund revenues and whether and how to stimulate alternative-fuel vehicles. Vote 17-0.

### **Amendment (0483h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the effect of alternative transportation on state revenues.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the effect of alternative transportation on state revenues.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house, at least one of whom shall be a member of the ways and means committee, and at least one of whom shall be a member of the public works and highways committee, appointed by speaker of the house of representatives.

(b) Three members of the senate, appointed by president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Examine future revenues for the highway fund to replace road tolls as alternative fuel vehicles and hybrid vehicles become more common.

II. Examine the possibility of encouraging alternative fuel vehicles and hybrid vehicles.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the effect of alternative transportation on state revenues.

### REGULAR CALENDAR – PART I

**HB 621-FN-A-L**, establishing an early childhood literacy program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Scovner for the Majority of Education: This bill implements an early childhood literacy program in the Department of Education, modeled after the National Parents as Teachers Program. It makes an appropriation of \$1,000,000.00 of federal and other funding for the purpose of this program, without state funds. This program has been a success as a pilot in Claremont and testimony was clear and overwhelming in favor of continuing and expanding. The majority of the committee believes this is an educational policy that confirms this is the best money that we can spend. Vote 14-4.

Rep. Barbara J. Hagan for the Minority of Education: The minority of the committee felt that the negative results of passage outweighed any merits, established a precedent in favor of the "It takes a village to raise a child" mentality and that, lacking evidence of long-term (High School graduates) results. Adopting this program by state statute is premature even though no state funds will be used at this time.

Rep. Newton spoke against.

Rep. Kurk spoke in favor.

Rep. Ingbretson spoke against.

Rep. Ingbretson moved Recommit to committee.

Rep. Stephen L'Heureux spoke against

On a division vote, 101 members having voted in the affirmative and 252 in the negative, the motion to Recommit failed.

Rep. Carson spoke in favor.

Rep. Nordgren requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 243 NAYS 118

#### YEAS 243

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Whalley, Michael

Dewhirst, Glenn  
Pilliod, James

Fitzgerald, James  
Russell, David

Flanders, Donald  
Thomas, John

#### CARROLL

Derby, Mark  
Olimpio, J Lisbeth

Dickinson, Howard  
Patten, Betsey

Hatch, Paul  
Stevens, Stanley

McConkey, Mark

#### CHESHIRE

Allen, Peter  
Eaton, Daniel  
Mitchell, McKim

Batchelder, Robert  
Espiefs, Peter  
Parkhurst, Henry

Dexter, Judson  
Hunt, John  
Pratt, Irene

Dunn, James  
Meador, David  
Pratt, John

Richardson, Barbara  
Smith, Edwin

Robertson, Timothy  
Tilton, Anna

Royce, H Charles  
Webber, Amy

Slack, Pamela  
Weed, Charles

### COOS

Guay, Lawrence  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

Poulin, Richard  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

### GRAFTON

Akins, Ralph  
Bleyler, Ruth  
Eaton, Stephanie  
Nordgren, Sharon

Almy, Susan  
Cooney, Mary  
Gionet, Edmond  
Scovner, Nancy

Barker, Robert  
Densmore, Edward  
Hammond, Lee  
Sokol, Hilda

Benn, Bernard  
Diamond, Estelle  
Naro, Debra  
Solomon, Peter

### HILLSBOROUGH

Balcom, John  
Brassard, Paul  
Clemons, Jane  
Craig, James  
Gargas, Carolyn  
Graham, John  
Hansen, Ryan  
Jean, Claudette  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Pappas, Christopher  
Price, Pamela  
Shaw, Barbara  
Sullivan, Peter  
Wheeler, Robert

Baroody, Benjamin  
Brundige, Robert  
Cote, David  
Crane, Elenore Casey  
Gonzalez, Carlos  
Greenberg, Gary  
Haytayan, Harry Jr  
Konys, Christine  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Reeves, Sandra  
Spiess, Paul  
Sweeney, Cynthia

Batula, Peter  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Gorman, Mary  
Haley, Robert  
Infantine, William  
Kopka, Angeline  
Laflamme, Charles  
Malloy, Chris  
Mercer, Robert  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Tahir, Saghir

Bergin, Peter  
Carter, Mark  
Coughlin, Pamela  
Fields, Dennis  
Goulet, Maurice  
Hallyburton, Margaret  
Irwin, Anne-Marie  
Kudalis, Debra  
Lasky, Bette  
McDonough-Wallace, Alice  
Messier, Irene  
Movsesian, Lori  
Pilotte, Maurice  
Scanlon, Michael  
Sullivan, Francis  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Field, William  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Blanchard, Elizabeth  
Colcord, J D  
DeJoie, John  
Fraser, Leo Jr  
Hamm, Christine  
Leber, William  
Osborne, Jessie  
Reardon, Tara

Bouchard, Candace  
Currier, David  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

Brueggemann, Donald  
Daniels, Eric  
Dunne, Christopher  
Gile, Mary  
Kenison, Leon  
MacKay, James  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Belanger, Ronald  
Casey, Kimberley  
Davidson, Robert  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Kelley, Jane  
Letourneau, Robert  
Morris, Richard  
Pitts, Jacqueline  
Splaine, James  
Vallone, Matthew  
Winchell, George

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin

Bridle, Russell  
Cooney, Richard  
DiFrancia, Anthony  
Gillick, Thomas  
Hughes, Daniel  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert

Carson, Sharon  
Dalrymple, Janeen  
Dodge, Robert  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Pantelakos, Laura  
Shultis, Elizabeth  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Rous, Emma  
Taylor, Kathleen

Bickford, David  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Schmidt, Peter  
Vachon, Dennis

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Spang, Judith

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinizy, James

**NAYS 118****BELKNAP**

Allen, Janet  
Laflam, Robert

Boyce, Laurie  
Lawton, David

Clark, Charles

Holbrook, Robert

**CARROLL**

Babson, David Jr  
Philbrick, Donald

Brown, Carolyn

Merrow, Harry

Mock, Henry

**CHESHIRE**

Fish, Douglas

Laurent, John

Liebl, George

**COOS**

Brady, Mark

King, Frederick

Richardson, Herbert

**GRAFTON**

Alger, John  
Giuda, Robert  
Williams, Burton

Dorsett, Andrew  
Ingbreton, Paul

Dudley, Terri  
Maybeck, Margie

Gilman, G Michael  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bouchard, David  
Cernota, Albert  
Dionne, Kimberley  
Furman, Christine  
Harrington, Paul  
Hopper, Gary  
Luebckert, Bernard  
Ober, Russell III  
Vaillancourt, Steve

Allen, Timothy  
Barry, J Gail  
Bruno, Pierre  
Chabot, Robert  
Elliott, Larry  
Gibson, John  
Hawkins, Ken  
Jasper, Shawn  
McElroy, Henry Jr  
Ross, Lawrence  
Wheeler, James

Arnold, Thomas Jr  
Beaton, William  
Carlson, Donald  
Christensen, D L Chris  
Emerton, Larry  
Goyette, Peter Jr  
Hinkle, Peyton  
Johnson, Lionel  
Mosher, William  
Slocum, Lee

Artz, Lawrence  
Bergeron, Jean-Guy  
Carter, Jeffrey  
Christiansen, Lars  
Fletcher, Richard  
Hall, Charles  
Holden, Randolph  
Lawrence, James  
O'Brien, Lori  
Souza, Kathleen

**MERRIMACK**

Foley, Albert  
McCormick, Tom  
Reed, Dennis

Hess, David  
Nutter, Edward  
Soltani, Tony

Kennedy, Richard  
Oliver, James

Marple, Richard  
Ouellette, Robert

**ROCKINGHAM**

Allen, Mary  
Clark, Vivian  
Dupuis, Roland  
Gilbert, Karl

Bicknell, Elbert  
Doyle, Christopher  
Fesh, Bob  
Gould, Kenneth

Cady, Harriet  
Duffy, James  
Flayhan, Mary Lou  
Headd, James

Camm, Kevin  
Dumaine, Dudley  
Francoeur, Sheila  
McCann, Richard

McMahon, Charles  
Putnam, Ed II  
Scamman, Stella  
Weyler, Kenneth

Noyes, Richard  
Quandt, Matthew  
Smith, Donald  
Zolla, William

O'Neil, Michael  
Rausch, James  
Varrell, Thomas

Priestley, Anne  
Robertson, Carl  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Easson, Timothy  
Twombly, James

Bemis, Alan  
Harrington, Michael  
Woods, Phyllis

Campbell, W Packy  
Newton, Clifford

Cataldo, Sam  
Scott, David

### SULLIVAN

None

and the majority report was adopted.

Referred to Finance.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: This bill provides an alternative method of computing school building aid that benefits less wealthy communities, but leaves the existing building aid program in law. In addition, a lease provision is included with a ten year limit after which renewal requires further approval. In addition, the bill places school room size limitations (square feet per student) above which the state will not pay its cost without preventing school districts from building to their own designs. This size limit and land area limits are similar to those in our surrounding states and were recommended in a recent Legislative Budget Assistance audit of the facilities planning function of the Department of Education. As a result of the size limitations, in spite of the greater state support for less wealthy communities, analysis of projects during recent years shows the bill will be close to revenue neutral. Vote 10-7.

Rep. Claire D. Clarke for the Minority of Education: This bill creates a new and unrealistically low square foot size limitation for new school construction projects in New Hampshire. This limitation would have adversely affected reimbursements to sixty percent of the projects approved during the last three years according to certain testimony. In addition, this law size limit would adversely impact smaller school communities. This adverse and unintended consequence suggests that this policy change needs further study.

Majority report adopted.

Referred to Finance.

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: The bill simply requires the federal government to adhere to the same policy of no mandates without paying for them, as the State must honor. Furthermore, there is a federal law requiring payment for mandates and also such a statement in the "No Child Left Behind" law. However, testimony revealed uncertainty as to structures in the federal law on No Child Left Behind would, in fact, apply. Therefore, even though No Child Left Behind appears to be well funded for the next two years, the future demands on state and local revenues is uncertain and likely to be significant, judging from the testimony. Vote 12-5.

Rep. Mark S. Carter for the Minority of Education: The minority would like to point out that the architect and sponsor of the No Child Left Behind Act is US Senator Judd Gregg. The minority points out that the "coalition of opposites" that testified in favor of HB 786 are the same coalition that has delivered education mediocrity to New Hampshire. All the representatives who testified in favor of HB 786 said they support "the concept" of No Child Left Behind, which presumably means they believe it will help our students, but only so long as it does not cost New Hampshire one dime. The minority believes that New Hampshire should be testing children and holding schools and parents accountable. If you believe similarly, than the No Child Left Behind Act is a federal assistance grant that helps New Hampshire do what it should be doing already.

Majority report adopted.

Referred to Finance.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. Donald Stritch for Election Law: This bill known as the "Help American Vote Act" (HAVA) is the first step by our state in implementing the federal election law by the same name passed by Congress last October 2002. It mandates that states abide by specific federal election requirements: provide voters an opportunity to correct ballot errors, implement a voting system with manual audit capacity, provide at least one disability accessible voting machine per ward/precinct/town or voting district, provide state advocacy systems for the disabled, improve voting technology, test voting equipment, develop a centralized statewide voter registration base and to implement a statewide voter identification requirement for first time voters. It also provides for ongoing election education for all election officials statewide. Funding for these HAVA changes will be distributed over a three-year period upon submission of the state election reform plan. The state "election fund" would receive this year \$5,000,000 and a possible \$9,000,000 (the additional \$4,000,000 requires 5% contribution from the state). The committee voted unanimously to recommend passage of the first phase of the HAVA legislation. Vote 11-0.

**Amendment (0449h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Election Fund. Amend RSA 5 by inserting after section 6-c the following new section:

**5:6-d Election Fund.**

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the election fund which shall be kept distinct and separate from all other funds. The election fund is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law 107-252.

II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252 and all civil or administrative fines or penalties or filing fees collected by the secretary of state pursuant RSA 655; RSA 659; and RSA 664. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 20 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

IV. All monies in the election fund shall be continually appropriated to the department of state and shall not lapse.

V. The treasurer, upon approval of the secretary of state shall pay the expenses of planning, equipping, administering, staffing, maintaining, and improving the election services provided by the secretary of state and related services provided by the department of safety, the department of health and human services, and the department of justice out of any monies in the election fund, subject to the limitations established in paragraph III, notwithstanding any other provision of law.

2 New Subparagraph; General Revenue Exceptions; Election Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmm) Moneys deposited in the election fund under RSA 5:6-d.

3 New Paragraph; Administrative Procedure Act; Exceptions; Guidelines or Rules Issued by Secretary of State. Amend RSA 541-A:21 by inserting after paragraph VI the following new paragraph:

VI. Guidelines or rules issued by the secretary of state under title LXIII in furtherance of executing and enforcing the election laws shall be exempt from the rulemaking requirements of RSA 541-A.



4 New Subdivision; Centralized Voter Registration Database. Amend RSA 654 by inserting after section 44 the following new subdivision:

Centralized Voter Registration Database

654:45 Centralized Voter Registration Database.

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state.

II. Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction.

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV.(a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may use or retain voter information for purposes other verifying the accuracy of the information contained in the voter database. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

V. The secretary of state shall:

(a) Specify the election officials and the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

(c) Issue guidelines to implement the voter database. The voter database guidelines and any other guidelines or rules issued by the secretary of state in furtherance of executing and enforcing the election laws shall be exempt from the rulemaking requirements of RSA 541-A.

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

5 Filing Fees; Deposit of Fees. Amend RSA 655:19, II to read as follows:

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by **[him] the secretary of state** in the **[general] election fund established pursuant to RSA 5:6-d**.

6 Administrative Assessment; Deposit of Assessment. Amend RSA 655:19-c, II to read as follows:

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by **[him] the secretary of state** into the **[general] election fund established pursuant to RSA 5:6-d**.

7 Registration of Political Committees; Deposit of Fees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secre-

tary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the ~~[general]~~ **election fund established pursuant to RSA 5:6-d**; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson, treasurer or agent, and other officers.

8 Political Expenditures and Contributions; Penalty; Fines. Amend RSA 664:21, II to read as follows:

II. Any fine assessed under the provision of this section shall be paid to the secretary of state for deposit into the ~~[general]~~ **election fund established pursuant to RSA 5:6-d**.

9 Ballot Law Commission; Additional Jurisdiction. Amend RSA 665:7 to read as follows:

665:7 Additional Jurisdiction. In addition to the jurisdiction of issues conveyed to the ballot law commission by other sections of this chapter, the commission shall hear and determine all disputes involving alleged violations of New Hampshire election laws of a non-criminal nature for which no specific statutory appeal procedure has already been provided. The commission shall also hear and determine petitions for review of cease and desist orders issued by the attorney general under RSA 664:18, II, if such petitions are filed within 3 days of the order, **and shall hear and resolve complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252, as provided in RSA 666:14**.

10 New Subdivision; Administrative Complaint Procedures. Amend RSA 666 by inserting after section 13 the following new subdivision:  
Administrative Complaint Procedures

666:14 Administrative Complaint Procedures. The attorney general may establish an administrative complaint procedure for the resolution of complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The ballot law commission is hereby designated as the body providing alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of 2002, Public Law 107-252.

11 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2004, and the sum of \$1 for the fiscal year ending June 30, 2005, are hereby appropriated to the election fund established in RSA 5:6-d. These sums shall be in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes an election fund for moneys appropriated to the state pursuant to the Help America Vote Act of 2002 and requires that certain fees and fines be deposited in the fund.

II. Authorizes a statewide centralized voter registration database and communications network.

III. Exempts guidelines or rules issued by the secretary of state in furtherance of executing and enforcing the election laws from the rulemaking requirements of RSA 541-A.

Adopted.

Rep. Stritch spoke to the committee report.

Report adopted.

Referred to Finance.

**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. **ought to PASS WITH AMENDMENT**  
Rep. Peter H. Allen for Environment and Agriculture: This bill establishes a new approach for self-certification by small quantity hazardous waste generators. The amendment clarifies that the appropriation comes from the Hazardous Waste cleanup fund, under RSA 147-B. Vote 16-0.

**Amendment (0190h)**

Amend RSA 147-A:5, IV(c)(1) as inserted by section 2 of the bill by replacing it with the following:

I. Small quantity hazardous waste generators in Rockingham and Strafford counties shall submit self-certification forms by January 1, 2004. A fee of \$180 for the period of 2004, 2005 and 2006 shall be paid to the department by January 1, 2004. Self-certification forms and a \$180 renewal fee shall be paid to the department by January 1, 2007, and every 3 years thereafter.

Amend the bill by replacing sections 8 and 9 with the following:

8 Appropriation. The sum of \$249,382 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2004, and the sum of \$254,145 for the fiscal year ending June 30, 2005 for the purpose of funding the small quantity hazardous waste generator self-certification program, including the costs associated with the position salaries, benefits, and other program expenses. This appropriation shall be funded from the hazardous waste cleanup fund, under RSA 147-B.

9 Effective Date. This act shall take effect July 1, 2003.

**AMENDED ANALYSIS**

This bill establishes a program for self-certification by small quantity hazardous waste generators. The bill makes an appropriation from the hazardous waste cleanup fund for the purposes of the bill.

Adopted.

Report adopted.

Referred to Finance.

**HB 728-FN-A, establishing a dedicated fund for organic certification inspections. OUGHT TO PASS WITH AMENDMENT**

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: This revenue neutral bill is at the request of the New Hampshire Department of Agriculture, Markets and Food to meet the present and immediate need of organic food processors and handlers within the state of New Hampshire to obtain a New Hampshire "Certified Organic" designation. Since the implementation of recent federal rules and regulations on "organic foods, New Hampshire businesses that offer such organic products to the public would prefer to have a New Hampshire certification for New Hampshire agricultural products. This bill contains a "sunset" date of July 1, 2007. Vote 16-0.

**Amendment (0576h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Certification; Section Heading Amended. Amend the section heading of RSA 426:6-b to read as follows:

426:6-b Certification; *Fund Established*.

2 New Paragraph; Certification Inspections; Funds Established. Amend RSA 426:6-b by inserting after paragraph III the following new paragraphs:

IV. There is hereby established in the office of the state treasurer a fund to be known as the organic processors and handlers certification inspection fund. All revenues generated from fees for the certification and inspection of organic processors and handlers adopted by rule pursuant to RSA 426:8 shall be deposited in the fund. The fund shall only be used to support the certification and inspection of organic processors and handlers by the commissioner. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund. Moneys in the fund shall be continually appropriated to the commissioner. Any moneys in the fund at the end of each biennium in excess of \$5,000 shall lapse to the general fund.

V. The commissioner shall prepare and submit to the pertinent house and senate policy and finance committees by October 1 of each year, beginning in 2004, a report detailing the generation and use of moneys in the organic processors and handlers certification inspection fund during the prior fiscal year.

3 Rulemaking. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general funds of the state, *except as provided in RSA 426:6-b, IV.*

4 New Subparagraph; Application of Funds. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmmmm) Moneys received pursuant to RSA 426:6-b, which shall be credited to the organic certification inspection fund established in RSA 426:6-b, IV.

5 Certification; Section Heading Amended. Amend the section heading of RSA 426:6-b to read as follows:

426:6-b Certification[; ~~Fund Established~~].

6 Rulemaking. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general fund of the state[; ~~except as provided in RSA 426:6-b, IV~~].

7 Repeal. The following are repealed:

I. RSA 426:6-b, IV and V, relative to organic certification inspection fund.

II. RSA 6:12, I(mmmmmmmmmmm), relative to organic certification inspection fund.

8 Effective Date.

I. Sections 5-7 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a dedicated fund for organic certification inspections, and prospectively repeals the fund on July 1, 2007.

Adopted.

Report adopted.

Referred to Finance.

**HB 799-FN-A**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: The committee decided that a new approach is needed to encourage recycling in New Hampshire and more time will be necessary to develop future legislation. Vote 15-0.

Adopted.

**HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits. **OUGHT TO PASS**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would allow a certain individual to apply for accidental disability retirement allowance. Because of the unusual circumstances, the committee felt that she should, at least, be allowed to enter the process for a fair hearing. Passage of this bill will allow this one individual to present her case to the board. Vote 14-6. Adopted and ordered to third reading.

**HB 669-FN**, relative to dental care insurance for state employees and retired state employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The original bill required dental insurance for Group I and Group II state employees and retired state employees at state expense. The amendment authorizes this benefit but at the individual's personal expense. The amendment also provides for medical benefits to state employees hired after July 1, 2003 with 20 years service at age 60. This benefit was previously provided with 10 years service. This bill does not effect employees employed prior to July 1, 2003. Employees hired after July 1, 2003, shall then be on the same benefit level as all other Group I and Group II retirees. Vote 19-0.

### Amendment (0519h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; State Employees Group Insurance; Dental Group Insurance; Retired State Employees. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Dental Group Insurance; Retired State Employees. Any retired state employee, as defined in RSA 21-I:30, and his or her spouse shall be eligible to participate at their own expense in the group dental insurance arrangement afforded full-time state employees.

2 Medical and Surgical Benefits; Definition of Qualifying Retired State Employee Changed. Amend RSA 21-I:30 to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each group II state employee who retires. "Retired employee" also means each group I state employee who:

(a) Has at least 10 years of creditable service for the state *if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003*, and who also is at least 60 years of age at the time of retirement; or

(b) Has at least 30 years of creditable service for the state at the time of retirement, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his death, if the state employee had at least 10 years of creditable service for the state *if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003*.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a vested deferred state retiree shall have at least 10 years of creditable service with the state *if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003*. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age.

IV. Each state employee who has at least 10 years of creditable service for the state *if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003*, and who elects to take a reduced service retirement allowance shall be defined as a "retired employee" for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his *or her* state service before he *or she* becomes eligible for retirement benefits as a "retired employee" as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

3 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill allows retired state employees to participate at their own expense in the dental plan afforded state employees. The bill also changes the years of service required for retired state employees to be eligible for medical benefits.

Adopted.

Report adopted and ordered to third reading.

**HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefore. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne Marie Irwin for the Majority of Executive Departments and Administration: This bill will create a committee of 12 members who will be responsible for screening applications for the \$12 million federal grant pool which was established under the Federal Farm bill. This is the first time this amount of money has been available to the state. The committee draws from an existing structure made up of agriculture, resources, and development, environmental services, fish and game and conservation. The executive departments & administration committee felt it is important to preserve the rural character of our state. In addition, this committee will help assure that the future generation will enjoy a clean environment and open spaces Vote 12-5.

Rep. Judson K. Dexter for the Minority of Executive Departments and Administration: We agree with the supporter of HB 737-FN-A that protecting the state's environment is one of our greatest responsibilities. And that the \$12 million of federal money available through the "Farm Bill" is important to help with that effort. However, it is also important to know that this money is currently available without creating this additional level of bureaucracy. The six agencies, departments and the university system are well aware of these dollars and are already actively applying for this money. Here within lies the problem. First, this is not an all or none situation. In fact, when we asked the sponsors directly what the difference in dollars this "conservation committee" would generate, they could not answer. Second, the "Farm Bill" expires in 2007. However, there is no sunset provision in this bill. If we pass this bill, we may be creating an agency with a start up budget of \$621,000 with no way of measuring its effectiveness, and that may never go away. Are we truly building a better government or just a bigger government.

Majority report adopted.

Referred to Finance.

**HB 791-FN-A**, relative to the sale of state merchandise and gift items in state liquor stores and staffed rest areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill was amended to provide the following considerations: a study committee will address and consider the validity of establishing the sale of state merchandise and miscellaneous sundries at rest areas and state liquor stores. The bill, as amended, has the support of the New Hampshire Liquor Commission, New Hampshire Department of Transportation, New Hampshire Grocers Association and New Hampshire Stores, Inc. Vote 19-0.

#### **Amendment (0569h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a rest area and state liquor store retail opportunities commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Rest Area and State Liquor Store Retail Opportunities Commission Established. There is established the rest area and state liquor store retail opportunities commission to examine and plan for the current and future sale of state and other merchandise and gift items at rest areas and state liquor stores. The commission shall focus on how selling merchandise at rest areas and state liquor stores may produce revenue for the state and effectively promote New Hampshire's products and services.

#### **2 Membership and Compensation.**

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) A member of the governor's staff, appointed by the governor.

(d) The commissioner of the department of transportation, or designee.

(e) The commissioner of the department of resources and economic development, or designee.

(f) A representative of the Retail Merchant's Association, appointed by such association.

(g) A representative of the Granite State Ambassadors, Inc., appointed by such organization.

(h) A representative of a local chamber of commerce, appointed by the governor.

(i) A representative of New Hampshire Stores, Inc., appointed by that organization.

(j) The chairperson of the liquor commission, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Examine issues associated with the sale of merchandise at state rest areas and state liquor stores.

II. Determine the appropriate products to be sold and develop a list of products that are currently available at rest areas and state liquor stores.

III. Determine a method to evaluate the potential for retail sales at each rest area and state liquor store and the order in which sites shall be developed.

IV. Develop a plan for implementing merchandise sales at selected rest areas and state liquor stores.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a commission to study the sale of merchandise at rest areas and state liquor stores. Adopted.

Report adopted and ordered to third reading.

### **HB 735-FN, relative to prescription drugs and medicaid best practices. OUGHT TO PASS WITH AMENDMENT**

Rep. Jaeneen Dalrymple for Health, Human Services and Elderly Affairs: This bill requires the Department of Health and Human Services to establish certain programs to increase access to prescription drugs for seniors and disabled persons. The bill grants rule-making authority to the Commissioner of Health and Human Services for the purposes of the bill. The committee heard compelling testimony that supports a prescription program targeted for the most needy seniors and medically disabled individuals that often fall through the cracks. Even though this population is small in numbers, it represents a group who are not only very low income, but have assets of less than \$2,500.00. In addition, this bill would establish a Prescription Drug Task Force that would explore cost and access to prescriptions for citizens of this state. The fiscal note is \$3.5 million dollars in the first year, half of which will be funded by the federal government. The bill as proposed establishes disease management, which will finance the cost of the program, averaged over three years. The department of Health and Human Services expressed they would like to use those funds for existing programs and not for adding a new coverage. While the committee is concerned about the fiscal impact the committee voted unanimously to support the policy of the bill and allow the Finance Committee to consider other revenue streams. Vote 17-0.

### **Amendment 0492(h)**

Amend the bill by replacing section 1 with the following:

1 New Chapter; Access to Prescription Drugs. Amend RSA by inserting after chapter 161-J the following new chapter:

### **CHAPTER 161-K ACCESS TO PRESCRIPTION DRUGS**

161-K:1 Definitions: In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Division" means the division of elderly and adult services, department of health and human services.

161-K:2 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, necessary for the implementation of this chapter.

Medicaid Rx Senior Eligibility  
Expansion Program

161-K:3 Definitions: In this subdivision:

I. "Qualified medicare beneficiaries" means medicare beneficiaries with incomes equal to or below 100 percent of the federal poverty level who are eligible for medicaid assistance for the part A and part B medicare premiums and for medicare deductibles and co-insurance requirements as set forth in section 1905(p)(1) of Title XIX of the Social Security Act.

II. "Specified low-income medicare beneficiaries" means medicare beneficiaries who have incomes greater than 100 percent of the federal poverty level and less than and equal to 120 percent of the federal poverty level and meet the requirements set forth in section 1902(a)(10)(E)(iii) of Title 19 of the Social Security Act.

#### 161-K:4 Medicaid Rx Senior Eligibility Expansion Program Established.

I. There is hereby established the medicaid Rx senior eligibility expansion program. To be eligible for the program, an individual shall:

(a) Be a U.S. citizen or a lawfully admitted alien;

(b) Be a state resident;

(c) Be at least 65 years of age or an individual between the ages of 19 and 64 who is otherwise eligible for benefits under Title II of the Social Security Act (Federal Old Age, Survivors, and Disability Insurance);

(d) Meet the definition of a qualified medicare beneficiary or a specified low-income medicare beneficiary as set forth in subparagraph (c); and

(e) Be ineligible for and/or not receiving a prescription drug benefit through a medicare supplemental policy or any other third party payer prescription benefit.

II. Individuals eligible for the medicaid Rx senior eligibility expansion program shall be entitled to the medicaid prescription drug coverage as provided to medicaid recipients as set forth in Title XIX of the Social Security Act.

III. Individuals eligible for the program established under this subdivision shall be provided a benefit of not more than \$2,000 per year and shall be subject to a \$5 copayment per prescription.

#### 161-K:5 Administration.

I. The medicaid Rx senior eligibility expansion program shall be administered by the division. The department shall apply for a federal medicare 1115 demonstration waiver from the Secretary of Health and Human Services to expand medicaid eligibility for the purposes of prescription drug coverage to qualified medicare beneficiaries and specified low-income medicare beneficiaries under the medicaid Rx senior eligibility expansion program.

II. The commissioner shall make an annual report beginning one year after the effective date of this chapter to the general court relative to the effectiveness of the medicaid Rx senior disability eligibility program.

Amend the bill by replacing section 3 with the following:

3 Task Force Established. There is established a task force to study the feasibility of establishing a New Hampshire Rx patient assistance program.

Amend the bill by replacing section 5 with the following:

5 Duties. The task force shall study the feasibility of establishing a New Hampshire Rx patient assistance program. The committee shall consider eligibility guidelines and enrollment fees.

Amend the bill by replacing section 8 with the following:

8 Prospective Repeal. RSA 161-K:1 through RSA 161-K:5, relative to prescription drug access, is repealed.

### AMENDED ANALYSIS

This bill requires the department of health and human services to establish certain programs to increase access to prescription drugs for seniors. The bill grants rulemaking authority to the commissioner of health and human services for the purposes of the bill.

This bill requires the department of health and human services to encourage health plans and health care systems participating in the medicaid program to use case management incorporating evidence-based practice guidelines.

The bill also establishes a 3-year task force to study increasing access to prescription drug medicines. Adopted.

Report adopted.

Referred to Executive Departments and Administration.

**HB 643-FN**, relative to establishing the family division of the courts statewide. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**



Rep. John M. Pratt for the Majority of Judiciary: This bill will make the family court, now a pilot project, into a permanent division of the courts. The bill will also expand the family court from the two counties (Grafton and Rockingham) where it now operates to two additional counties (Belknap and Carroll) during the next biennium. The majority concluded that the pilot project has more than proven itself, that the use of case managers in each family court has made those courts exceptionally user friendly, and that the appointment, whenever possible, of a single judge to oversee all the judicial matters which a family might have before the court, has been of great benefit to both the family and the judicial system. Vote 10-7.

Rep. Tony F. Soltani for the Minority of Judiciary: The minority is seriously concerned with the constitutional and statutory implication of this bill. The family court will remain a "nearly-constituted" court. New Hampshire Constitution delegates the authority to select judicial officers for specific duly-constituted courts to the governor and council. The legislature is charged with establishing individual courts other than the constitutionally-established courts. This bill stops short of creating an independent court and allocating personnel and judicial officers. The bill delegates the selection of many judicial officers and placement of courts to the judicial branch. The legislature either ought to constitute a statewide family court where the governor and council will select the necessary judicial officers and all litigants will be treated equally, or abolish the existing pilot program.

Rep. Soltani spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Hager spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 263 NAYS 98

### YEAS 263

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Clark, Charles	Dewhirst, Glenn
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Lafam, Robert
Pilliod, James	Thomas, John		

#### CARROLL

Brown, Carolyn	Derby, Mark	Dickinson, Howard	Hatch, Paul
McConkey, Mark	Morrow, Harry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Meader, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Royce, H Charles	Slack, Pamela	Smith, Edwin
Tilton, Anna	Webber, Amy	Weed, Charles	

#### COOS

Guay, Lawrence	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Richardson, Herbert	Theberge, Robert	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory		

#### HILLSBOROUGH

Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergin, Peter	Bouchard, David	Brassard, Paul
Brundige, Robert	Buckley, Raymond	Carter, Jeffrey	Carter, Mark

Chabot, Robert  
Cote, Peter  
Fields, Dennis  
Gorman, Mary  
Haley, Robert  
Hawkins, Ken  
Jean, Claudette  
Kudalis, Debra  
Lasky, Bette  
Malloy, Chris  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Sullivan, Francis  
Wheeler, Robert

Christensen, D L Chris  
Coughlin, Pamela  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Johnson, Lionel  
Kurk, Neal  
Leach, Edward  
McDonough-Wallace, Alice  
Moran, Edward  
Pilotte, Maurice  
Scanlon, Michael  
Sullivan, Peter

Clemons, Jane  
Craig, James  
Gargas, Carolyn  
Graham, John  
Hallyburton, Margaret  
Infantine, William  
Kony, Christine  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
Movesian, Lori  
Price, Pamela  
Shaw, Barbara  
Sweeney, Cynthia

Cote, David  
Dokmo, Cynthia  
Gonzalez, Carlos  
Greenberg, Gary  
Hansen, Ryan  
Irwin, Anne-Marie  
Kopka, Angeline  
Laflamme, Charles  
Lessard, Rudy  
Messier, Irene  
Pappas, Christopher  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Osborne, Jessie  
Reardon, Tara

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
Gile, Mary  
Kenison, Leon  
Maxfield, Roy  
Owen, Derek  
Rush, Deanna

Bouchard, Candace  
Daniels, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Leber, William  
McCormick, Tom  
Perkins, Randy  
Seldin, Gloria

Brueggemann, Donald  
Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
Lockwood, Priscilla  
Nutter, Edward  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Coes, Betsy  
Dearborn, Bruce  
Dumaine, Dudley  
Gilbert, Karl  
Griffin, Mary  
Introne, Robert  
Kelley, Jane  
Major, Norman  
Morris, Richard  
Packard, Sherman  
Robertson, Carl  
Shultz, Elizabeth  
Waterhouse, Kevin  
Winchell, George

Blanchard, MaryAnn  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Norelli, Terie  
Pantelakos, Laura  
Roessner, Kurt  
Splaine, James  
Weare, E Albert  
Zolla, William

Casey, Kimberley  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gleason, John  
Headd, James  
Katsakiores, George  
Langley, Jane  
McMahon, Charles  
Noyes, Richard  
Pitts, Jacqueline  
Ruffner, Walter  
Stritch, C Donald  
Weldy, Norman Jr

Clark, Vivian  
Davidson, Robert  
Duffy, James  
Gilbert, Jeffrey  
Gould, Kenneth  
Hughes, Daniel  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
O'Neil, Michael  
Priestley, Anne  
Scamman, Stella  
Vallone, Matthew  
Weyler, Kenneth

### STRAFFORD

Bemis, Alan  
Campbell, W Packy  
Harrington, Michael  
Kaen, Naida  
Musler, George  
Rous, Emma  
Taylor, Kathleen

Berube, Roger  
Creteau, Irene  
Heon, Richard  
Keans, Sandra  
Newton, Clifford  
Schmidt, Peter  
Twombly, James

Bickford, David  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
Johnson, Nancy  
Miller, Joseph  
Rollo, Deanna  
Spang, Judith  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinzy, James

## NAYS 98 BELKNAP

Allen, Janet	Lawton, David	Nedeau, Stephen	Russell, David
Whalley, Michael			

## CARROLL

Babson, David Jr	Kenney, Bettie	Mock, Henry	
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## CHESHIRE

Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
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## COOS

Brady, Mark	King, Frederick	Stohl, Eric	Tholl, John Jr
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## GRAFTON

Barker, Robert	Dudley, Terri	Gilman, G Michael	Giuda, Robert
Ingbreton, Paul	Maybeck, Margie	Williams, Burton	

## HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Artz, Lawrence	Balboni, Michael
Beaton, William	Bergeron, Jean-Guy	Bruno, Pierre	Carlson, Donald
Cernota, Albert	Christiansen, Lars	Crane, Elenore Casey	Dionne, Kimberley
Elliott, Larry	Fletcher, Richard	Furman, Christine	Gibson, John
Goyette, Peter Jr	Harrington, Paul	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Jasper, Shawn	LaFlamme, Paul	Lawrence, James
Luebker, Bernard	McElroy, Henry Jr	McRae, Karen	Mooney, Maureen
Mosher, William	O'Brien, Lori	Ober, Russell III	Pepino, Leo
Ross, Lawrence	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Tate, Joan	Wheeler, James	

## MERRIMACK

Currier, David	Field, William	Hess, David	Kennedy, Richard
L'Heureux, Stephen	Marple, Richard	Oliver, James	Ouellette, Robert
Reed, Dennis	Soltani, Tony		

## ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Bridle, Russell	Cady, Harriet
Camm, Kevin	Carson, Sharon	Dodge, Robert	Dupuis, Roland
Flayhan, Mary Lou	Francoeur, Sheila	Ingram, Russell	Letourneau, Robert
McCann, Richard	Putnam, Ed II	Quandt, Matthew	Rausch, James
Smith, Donald	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Welch, David			

## STRAFFORD

Albert, Russell	Cataldo, Sam	Easson, Timothy	Scott, David
Woods, Phyllis			

## SULLIVAN

None  
and the majority report was adopted.  
Referred to Finance.

**HB 649-FN-A**, creating certain positions within the office of state planning and the university system of New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth H. Gould for Municipal and County Government: The Office of State Planning created a detailed best-practices guide for communities known as "Smart Growth NH" to assist in the implementation of smart growth policies over the last few years. Since 1984, the University of New Hampshire (UNH) has been mapping comprehensive geographically reference data by using the

GRANIT (Geographically Reference Analysis and Information Transfer) System. In order to enable municipalities to implement these policies and have access to the GRANIT database, a coordinated program is needed. HB 649 establishes a regional planning initiatives fund which is a non-lapsing, revolving special fund continually appropriated to the office of State Planning and UNH to provide technical planning assistance to municipalities and to develop a web-based mapping tool designed to assist municipalities to impose an increase on any building permit issued by the municipalities in the sums of 1) \$40 for a commercial or multi-residential building; 2) \$15 for a residential building; and 3) \$5 for any outbuilding or similar structure to raise the money needed for the Smart Growth NH program. Vote 10-4.

#### **Amendment (0289h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a building permit surcharge to fund regional planning initiatives.

Amend the bill by replacing all after section I with the following:

2 Appropriation: Office of State Planning; University System of New Hampshire. The sum of \$610,000 is appropriated from the regional planning initiatives fund established in section 3 of this act, for the biennium ending June 30, 2005, and allocated to the office of state planning and the university system of New Hampshire for the purposes and in the amounts provided in paragraphs I and II:

**I. To the office of state planning:**

(a) For the establishment of a statewide Grow Smart NH outreach, education and training program, the sum of \$60,000 is appropriated in each fiscal year 2004 and 2005 to support one position in the office of state planning and for associated training publications, material, and supplies.

(b) For the implementation of smart growth policies through master plan updates and locally developed and approved implementing ordinances, as well as other non regulatory means, \$135,000 is appropriated in each fiscal year 2004 and 2005 to support staff planners at regional planning commissions in providing technical planning assistance to member communities.

**II. To the university system of New Hampshire:**

(a) For the continued development and maintenance of data required for community master plans, \$50,000 is appropriated in each fiscal year 2004 and 2005 for partial support of a database development specialist and associated expenses. The priority data sets to be developed and maintained with the appropriation include the conservation/public lands data layer and the soils data layer.

(b) For the development of a web-based mapping tool, \$60,000 is appropriated in each fiscal year 2004 and 2005 for partial support of a staff programmer and associated hardware and software expenses, to design and implement a web-based tool to assist communities in master planning activities.

3 New Section; Building Permit Surcharge; Regional Planning Initiatives Fund. Amend RSA 676 by inserting after section 13 the following new section:

**676:13-a Building Permit Surcharge; Regional Planning Initiatives Fund.**

**I.** The municipality shall impose the following surcharge on any building permit issued by the municipality:

(a) \$40 for a commercial building or a residential building encompassing more than 2 dwelling units.

(b) \$15 for a residential building encompassing no more than 2 dwelling units.

(c) \$5 for an outbuilding or similar structure.

**II.** The municipality may retain \$.50 from each building permit surcharge to defray administrative processing costs and shall forward the remainder to the state treasurer for deposit in the regional planning initiatives fund, under paragraph III.

**III.** There is hereby established the regional planning initiatives fund, a non-lapsing, revolving special fund continually appropriated to the office of state planning and to the university system of New Hampshire in accordance with this section. The fund shall be used by the office of state planning for the establishment of statewide Grow Smart NH outreach, education, and training programs relative to regional planning initiatives. The fund shall be used by the university system of New Hampshire for the continued development and maintenance of a statewide database to assist communities with master planning activities. The balance of the fund shall not exceed \$305,000 on June 30 of each year, and any amounts in excess of \$305,000 shall be deposited in the general fund as unrestricted revenue.

4 New Subparagraph; Application of Receipts; Regional Planning Initiative Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmm) Moneys deposited in the regional planning initiatives fund under RSA 676:13-a.

5 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill establishes a surcharge on building permits. Money collected shall be deposited the regional planning initiatives fund, a dedicated fund appropriated to the office of state planning and the university system of New Hampshire to support regional planning activities.

Adopted.

Report adopted.

Referred to Finance.

**HB 326**, relative to establishing a 6-year capital budget. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William E. Leber for the Majority of Public Works and Highways: This bill provides for enabling procedures to approve a six-year capital budget and appropriations for extended projects that cover multiple bienniums. The amendment changes several limitations that cap the amount that can be appropriated in any one biennium and provides more explicit instructions for review and update of the extended projects by the legislature in the next biennium. This bill provides procedures for more extended planning in the capital improvement program and will improve efficiency of the bonding and debt service for the state. Vote 13-3.

Rep. Bernard L. Benn for the Minority of Public Works and Highways: The bipartisan minority fully supports the concepts of the six year capital budget, however, has concern regarding unknown consequences of the percentages included in Article 2. The intent of the legislation is to provide for long range capital planning in a manner that does not negatively impact the state's bond rating and that provides adequate flexibility for future capital budgets. The minority believes that the legislation may be improved by eliminating or revising the restrictions of Article 2. New Hampshire has a long history of responsible and conservative management of the debt to revenue ratios by the Legislature and by the state Treasurer. The minority wants to be sure that the proposed legislation will improve planning but not impede the traditional management practices that have served the citizens of NH well for many years.

### Majority Amendment (0482h)

Amend RSA 9:3-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The governor shall hold public hearings on the requests no later than June 30. **[He] The governor** may require officials of those departments submitting requests to attend and testify.

Amend RSA 9:3-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The governor shall submit the capital budget to the general court no later than February 15 of each odd numbered year. ***The capital budget submitted shall identify all projects which are expected or planned to require funding in the first biennium and in subsequent bienniums of the 6-year capital budget in order to be completed.***

Amend the bill by replacing section 2 with the following:

2 New Sections; Capital Budget; Limitations on Appropriations; Review. Amend RSA 9 by inserting after section 3-a the following new sections:

9:3-b Capital Budget; Limitations on Appropriations.

I. For the 6-year capital budget requested under RSA 9:3-a or as adopted for state capital improvements projects, total appropriations of general fund revenues for the first biennium to which the 6-year capital budget applies shall not exceed an amount up to 8 percent of the state general fund unrestricted revenues for the most recently completed fiscal year.

II. For approved projects requiring appropriations in multiple bienniums to be completed, the maximum appropriation for the second biennium of the 6-year capital budget shall not exceed 4 percent of state general fund unrestricted revenues for the most recently completed fiscal year, and for approved projects extending into the third biennium, the maximum appropriation for the third biennium shall not exceed 2 percent of state general fund unrestricted revenues for the most recently completed fiscal year.

9:3-c Review and Update of Capital Budget. In the first year of each biennium the legislature shall review the 6-year capital budget and update the extended projects, and may approve new

projects over the next 6 years under the same limitations outlined in RSA 9:3-b. The general court intends that once a capital budget project has been approved it shall be funded through each phase of the project unless some extreme and significant event makes further funding inappropriate.

Amend the bill by replacing section 5 with the following:

5 Department of Transportation; Major Capital Projects. Amend RSA 228:4, IV to read as follows:

IV. Any repair project authorized in the **6-year** capital budget which requires consultant services shall be ~~[put into effect]~~ *initiated* within 90 days after the *date that the* general court ~~[passes]~~ *authorizes the project in* the capital budget.

Adopted.

Majority report adopted and ordered to third reading.

**HB 667-FN-A**, relative to exit tolls and increasing the gasoline tax. **INEXPEDIENT TO LEGISLATE**  
Rep. Leon S. Kenison for Public Works and Highways: The bill proposes elimination of turnpike tolls while increasing the fuel tax by \$0.02 per gallon on July 1, 2003, and by another \$0.02 on July 1, 2004. The Turnpike Fund revenue would be reduced by about \$12 million per year while the Highway Fund revenue will net an increase of about \$27 million per year after July 1, 2004. The new gas tax revenue will not be used by the Turnpike System which has outstanding debt obligations of over \$300 million. The committee felt the Turnpike Fund could ill afford any revenue reductions at this time. An amendment to modify the proposal did not gain committee support. Vote 16-0.

On a division vote, 324 members having voted in the affirmative and 37 in the negative, the committee report was adopted.

**HB 274-A**, making an appropriation for the restoration of the White Island Light Station. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ralph L. Akins for Resources, Recreation and Development: This bill makes an appropriation of \$125,000 for the purpose of repairing the White Island Light House located off the coast of Rye, New Hampshire. There were two things the committee recognized as unique about this effort that make it worthy of support. First, this is the only lighthouse owned by the state (and still operating) and, it is an historical treasure and tourist attraction in dire need of repairs. Secondly, and even more impressive is the non-profit group called "The Light House Kids" that requested this legislation. This is a middle school class of North Hampton committed to raising an additional matching \$125,000 for the continued upkeep and maintenance. The committee recognized these "kids" as exemplary examples of volunteers. Vote 13-2.

#### Amendment (0404h)

Amend the bill by replacing sections 2-3 with the following:

2 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 2004 is hereby appropriated to the division of parks and recreation, department of resources and economic development for the purposes set forth in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Acceptance of Funds Authorized. The state is authorized to accept a sum not to exceed \$125,000 raised by the "Lighthouse Kids" of North Hampton for the upkeep and future maintenance of the White Island Lighthouse.

#### AMENDED ANALYSIS

This bill makes an appropriation of \$125,000 to the division of parks and recreation, department of resources and economic development for the purposes of repairing the White Island Light Station located off the coast of Rye, New Hampshire. The bill authorizes the department of resources and economic development to accept certain funds for the upkeep and future maintenance of the White Island Light Station.

Adopted.

Report adopted.

Referred to Finance.

**HB 353-FN-A**, making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: The intent of this bill is to provide funding for the pilot program for the instream flow rules passed by the legislature last year via HB 1449. The pilot program consists of two rivers, the Lamprey and the Souhegan, and would last for about 2 years. A limited amount of federal money is available to administer this program, but up to \$600K is necessary to implement the pilot program. The Resources, Recreation and Development Committee hopes the House reaffirms the policy passed last year and sends this bill to Finance with strong support for necessary funding. The instream flow rules and the pilot program is the result of many interests interested in our rivers, including business, industry, recreation, environmentalists, and agriculture interests. This diverse group has come together after years of discussion and a lot of give and take to reach consensus. This is an extremely important initiative for New Hampshire. Vote 16-1.

#### Amendment (0568h)

Amend the bill by replacing section 1 with the following:

1 Appropriation; Pilot Program to Study and Establish Protected Instream Flows and Water Management Plans on the Lamprey River and the Souhegan River. The sum of \$1 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005, for the purpose of establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River in accordance with 2002, 278. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted.

Referred to Finance.

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. **OUGHT TO PASS**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is the result of a study committee formed by SB 437 which was passed last year. That initiative encouraged regionalization of our public water systems. But provided no financial incentives. HB 738 provides access to some block grant money presently available to other initiatives, including surface water treatment plants. Access to these funds is also provided to funding the means to locate groundwater contamination, which would require the polluter, when found, to repay these costs. Vote 15-0.

Adopted.

Referred to Finance.

**HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would raise application fees for excavating, dredging and terrain alteration permits, and establish time frames for the completion of the Department of Environmental Services (DES) review. It also establishes two new positions and makes appropriations for them. After the initial appropriation the permit fees would make these positions self-funding. Applicants for these permits want predictable time frames for return of applications from the state. In order to achieve this DES has requested fee increases and additional funding to support adequate personnel to achieve these standards. Testimony from industry indicated that they supported the necessary fee increases. HB 810-FN as amended provides the above as well as a sunset provision to take affect in 2006 which will reduce them without further legislation. Vote 15-2.

#### Amendment (0560h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Excavating and Dredging; Certain Exemptions. Amend RSA 482-A:3 by inserting after paragraph XIII the following new paragraph:

XIV. In processing an application for permits under this chapter, except for a permit by notification, the department shall:

(a) Within 14 days of receipt by the department, issue a notice of administrative completeness or send notice to the applicant, the address provided on the application, identifying any addi-

tional information required to make the application administratively complete and providing the applicant with the name and telephone number of the department employee who may be contacted regarding the application. Each receipt of additional information in response to any notice shall recommence the 14-day period until the department issues a notice of administrative completeness.

(b) Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.

(c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner; or

(3) Extend the time for response for good cause and with the written agreement of the applicant.

(d) Where no request for additional information is made pursuant to subparagraph (b), the department shall, within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(e) Where the department has commenced a non-adjudicative hearing on an application filed under this chapter, the department shall, within 60 days following the closure of the hearing record, approve or deny the application either in whole or in part.

(f) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to issue a notice of administrative completeness or render any other decision within the time limits provided in this paragraph, the application shall be deemed to be approved.

(g) The time limits prescribed by this paragraph shall not apply to an application where the applicant has been adjudicated after final appeal, or otherwise does not contest, the department's designation as a chronic non-complier in accordance with rules adopted pursuant to this chapter.

2 Excavating and Dredging Permits; Fee Changes. RSA 482-A:3, I is repealed and reenacted to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that butters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to ex-



ceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-7 to read as 4-8, respectively:

3 Excavating and Dredging Permits; Fee Changes. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be ~~[\$.10]~~ **\$.06** per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Section 3 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Establishes time limits for the department of environmental services to process excavating and dredging permits.

II. Increases fees for certain permits.

III. Requires a report to the wetlands council.

IV. Establishes 2 new civil engineer positions.

V. Makes an appropriation for the new positions.

Adopted.

Report adopted.

Referred to Ways and Means.

**HB 387-FN**, allowing free admission to the state park system for active duty members of the armed services and certain members of the national guard and reserves. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for the Majority of State-Federal Relations and Veterans Affairs: This bill is recommended by the majority of the committee as it addresses an additional benefit to the members of the New Hampshire Air/Army National Guard. It is anticipated that this benefit will en-

hance retention in the lower grades and will serve as a "thank you for your service" to the men and women of New Hampshire who give their time and effort in the service of their country and state. Vote 14-2.

Rep. Ken Hawkins for the Minority of State-Federal Relations and Veterans Affairs: The minority while agreeing with the intent of this bill is concerned that only New Hampshire National Guard, Army and Air Force Reserves are covered. We feel that all reservists, Army, Navy, Marine Corps, Coast Guard, and Air Force should be included.

#### **Majority Amendment (0475h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing free admission to the state park system for certain members of the New Hampshire national guard.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fees for Park System; Free Admission for Certain Active Members of the New Hampshire National Guard. Amend RSA 216-A:3-g by inserting after paragraph III the following new paragraph:

IV.(a) Any active member of a federally recognized unit of the New Hampshire national guard who is a legal resident of this state, and who meets the minimum requirements for satisfactory membership, as defined in the United States Department of the Army and the United States Department of the Air Force regulations, and is serving in pay grades E1 through E6 shall not be charged a fee for admission to the state park system. This section shall apply to members of the Active Guard and Reserve program in the New Hampshire national guard.

(b) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

#### **AMENDED ANALYSIS**

This bill provides that certain active members of the New Hampshire national guard, including members of the Active Guard and Reserve program, who are legal residents of this state, shall not be charged a fee for admission to the state park system.

Adopted.

Rep. Peter Sullivan spoke in favor.

Majority report adopted and ordered to third reading.

The House recessed at 11:45 a.m.

#### **RECESS**

#### **(Speaker Chandler in the Chair)**

The Speaker reconvened the House at 1:00 p.m.

#### **REGULAR CALENDAR (CONT'D.)**

**HB 608-FN-L**, reducing the education property tax rate and relative to the base cost for calculating adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeff Gilbert for the Majority of Ways and Means: HB 608 as amended reduces the statewide property tax by 83 cents to \$4.97 for fiscal years 2004 and 2005. This rate reduction is necessary to offset the recent rise in property values. Without this change most of our property owners would be required to pay a significant increase in their state tax obligations. The second key feature of the bill is that it indexes future increases in the state's per pupil education funding obligation to the Northeast Consumer Price Index. This feature was enacted by large margins in the House and Senate last year and vetoed by the Governor, notwithstanding her proposal of just such a provision in 2001. Finally, HB 608 revises the base cost formula by reimbursing 100% of the transportation costs for students in Grades K through 8 to and from school and removes home schooled students who do not use public schools from the census. This bill is essential to re-align our education funding formula and to bring under control the runaway cost increases the present law encourages. Without these changes we will all face unmanageable budget deficits resulting in either massive service cuts or tax increases. Vote 11-10.

Rep. Christine C. Hamm for the Minority of Ways and Means: This bill shifts the tax burden from the state level to local communities. It increases grants to the wealthiest towns in the state and

decreases them to the neediest towns, including plaintiff towns. Despite lowering the statewide property tax, the tax burden remains, now to be borne by local taxpayers as school budgets necessarily continue to rise and must be paid for. The existing formula for calculating school aid is based on the third of districts with average educational results that spend the least. It tracks the cost of fiscally-disciplined school districts very well, with any reductions in the statewide property tax reverting to the local school tax.

### Majority Amendment (0139h)

Amend the title of the bill by replacing it with the following:

**AN ACT** reducing the education property tax rate and relative to the calculation of adequate education grants.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose; Legislative Findings. The general court recognizes the inherent imprecision and subjectivity involved in determining the cost of providing the opportunity for an adequate education. In the exercise of its constitutional authority and discretion, to provide the opportunity for pupils to obtain an adequate education, the general court has adopted an average costing methodology. The general court recognizes that this costing methodology may produce spending pressures and results that may not accurately reflect the cost of continuing to provide adequate educational opportunity over time. As a result, the general court finds that changing the base cost per pupil by reference to the consumer price index is the most appropriate way to calculate changes in the cost of an adequate education.

2 School Money; Determination of Statewide Adequate Education Cost. Amend the introductory paragraph of RSA 198:40, I to read as follows:

I. For the biennium beginning July 1, [~~1999~~] **2005**, and every biennium thereafter, the cost per pupil shall be established using the following formula:

3 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

4 New Subparagraph; School Money; Determination of Statewide Adequate Education Cost. Amend RSA 198:40, I(b) by inserting after subparagraph (3) the following new subparagraph:

(4) No later than October 1 of each biennium, the department shall calculate the base cost per pupil by adding to the base cost per pupil of the immediately preceding biennium a percentage increase for inflation. The percentage shall be twice the average annual rate of inflation for the 4 calendar years immediately preceding the calendar year in which the new base cost is determined. Inflation shall be measured by the most recent available northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor.

5 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation for the Fiscal Years 2003-2004. The base cost per pupil shall be adjusted as follows:

I. For the fiscal year beginning July 1, 2003, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

II. For the fiscal year beginning July 1, 2004, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

6 School Boards, Transportation, and Instruction of Pupils; Definitions. RSA 189:1-d, IV is repealed and reenacted to read as follows:

IV. "Average daily membership in residence" means the average daily membership of pupils who are legal residents of a school district pursuant to RSA 193:12 or RSA 193:27, IV, and are attending, at the expense of a school district, a public school, a charter school, or a private school approved by the department of education.

7 School Money; Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding [70] **100** percent of [total statewide] transportation costs *as defined in RSA 198:38, XI*.

8 School Money; State Aid for Educational Adequacy. Amend RSA 198:38, XI to read as follows:

XI. "Transportation costs" means the [costs] *cost* of transporting pupils *in kindergarten through grade 8* to and from school [~~and other school activities~~] *as* reported by school districts on the [MS-25] *DOE-25* form.

9 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

(b) Add to the product of subparagraph (a), [70] *100* percent of the municipality's apportioned transportation [cost] *costs as defined in RSA 198:38, XI*;

10 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill:

I. Provides that for fiscal years 2003 and 2004, the calculation of the statewide cost of an adequate education shall be indexed to the northeast regional consumer price index for all urban consumers for the 4 immediately preceding calendar years.

II. Reduces the education property tax rate from \$5.80 to \$4.92.

III. Changes the payment for transportation costs to include 100 percent of the total cost of transporting pupils in kindergarten through grade 8 to and from school.

IV. Changes the definition of average daily membership in residence for the purpose of calculating state aid for educational adequacy.

Adopted.

Rep. Almy offered floor amendment (0633h).

### Floor Amendment (0633h)

Amend the title of the bill by replacing it with the following:

AN ACT reducing the education property tax rate.

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] *\$4.92* on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill reduces the education property tax rate from \$5.80 to \$4.92.

Rep. Almy spoke in favor and yielded to questions.

Rep. Major spoke against and yielded to questions.

Rep. Hamm spoke in favor.

Rep. Kurk spoke against.

Rep. Vaillancourt moved to Postpone Definitely until 10:00 a.m., Thursday, March 13, 2003 and spoke in favor.

Rep. Hess requested a roll call, sufficiently seconded.

The question being adoption of the motion to Postpone Definitely.

### YEAS 141 NAYS 213

#### YEAS 141 BELKNAP

#### CARROLL

#### CHESHIRE

Fitzgerald, James

Babson, David Jr

Kenney, Bettie

Allen, Peter

Eaton, Daniel

Parkhurst, Henry

Slack, Pamela

Batchelder, Robert

Espiefs, Peter

Pratt, Irene

Tilton, Anna

Dexter, Judson

Meador, David

Richardson, Barbara

Weed, Charles

Dunn, James

Mitchell, McKim

Robertson, Timothy

**COOS**

Mears, Edgar

Pratt, Leighton

Theberge, Robert

**GRAFTON**

Akins, Ralph

Cooney, Mary

Nordgren, Sharon

Almy, Susan

Densmore, Edward

Scovner, Nancy

Benn, Bernard

Diamond, Estelle

Sokol, Hilda

Bleyler, Ruth

Hammond, Lee

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin

Bergin, Peter

Cote, David

Dionne, Kimberley

Haley, Robert

Konys, Christine

LaFlamme, Paul

McHugh, Claire

Shaw, Barbara

Sweeney, Cynthia

Barry, J Gail

Brassard, Paul

Cote, Peter

Dokmo, Cynthia

Holden, Randolph

Kopka, Angeline

Lasky, Bette

Messier, Irene

Spiess, Paul

Vaillancourt, Steve

Batula, Peter

Buckley, Raymond

Craig, James

Ford, Nancy

Irwin, Anne-Marie

Kudalis, Debra

Leach, Edward

Movsesian, Lori

Sullivan, Francis

Bergeron, Jean-Guy

Clemons, Jane

Crane, Elenore Casey

Gorman, Mary

Jean, Claudette

L'Heureux, Robert

McDonough-Wallace, Alice

Pappas, Marc

Sullivan, Peter

**MERRIMACK**

Blanchard, Elizabeth

DeStefano, Stephen

Lockwood, Priscilla

Perkins, Randy

Wallner, Mary Jane

Clarke, Claire

French, Barbara

Nutter, Edward

Potter, Frances

Davis, Frank

Gile, Mary

Osborne, Jessie

Rush, Deanna

DeJoie, John

Hamm, Christine

Owen, Derek

Soltani, Tony

**ROCKINGHAM**

Blanchard, MaryAnn

DiFrancia, Anthony

Langone, John

Noyes, Richard

Quandt, Matthew

Weyler, Kenneth

Casey, Kimberley

Gould, Kenneth

McEachern, Paul

Pantelakos, Laura

Shultis, Elizabeth

Coes, Betsy

Kelley, Jane

Moore, Benjamin

Pitts, Jacqueline

Splaine, James

Cooney, Richard

Langley, Jane

Norelli, Terie

Putnam, Ed II

Vallone, Matthew

**STRAFFORD**

Berube, Roger

Grassie, Anne

Kaen, Naida

Pelletier, Arthur

Smith, Marjorie

Callaghan, Frank

Heon, Richard

Keans, Sandra

Rollo, Deanna

Spang, Judith

Creteau, Irene

Hofemann, Roland

Knowles, William

Rous, Emma

Vachon, Dennis

Dunlap, Patricia

Johnson, Nancy

Miller, Joseph

Schmidt, Peter

Wall, Janet

**SULLIVAN**

Allison, David

Ferland, Brenda

Harris, Sandra

Burling, Peter

Flint, Gordon Sr

Jones, Constance

Cloutier, John

Franklin, Peter

Leone, Richard

Donovan, Thomas

Harris, Joseph

Phinizy, James

**NAYS 213****BELKNAP**

Allen, Janet

Dewhirst, Glenn

Lawton, David

Thomas, John

Bartlett, Gordon

Flanders, Donald

Nedeau, Stephen

Whalley, Michael

Boyce, Laurie

Holbrook, Robert

Pilliod, James

Clark, Charles

Lafam, Robert

Russell, David

**CARROLL**

Brown, Carolyn

McConkey, Mark

Patten, Betsey

Derby, Mark

Morrow, Harry

Philbrick, Donald

Dickinson, Howard

Mock, Henry

Stevens, Stanley

Hatch, Paul

Olimpio, J Lisbeth

**CHESHIRE**

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John  
Webber, Amy

Pratt, John

**COOS**

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Poulin, Richard  
Woodward, David

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Ingbreton, Paul  
Williams, Burton

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Brundige, Robert  
Carter, Mark  
Coughlin, Pamela  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jasper, Shawn  
Lawrence, James  
Malloy, Chris  
Milligan, Robert  
Ober, Russell III  
Price, Pamela  
Scanlon, Michael  
Tate, Joan

Allen, Timothy  
Balcom, John  
Bruno, Pierre  
Cernota, Albert  
Elliott, Larry  
Gargasz, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Hinkle, Peyton  
Johnson, Lionel  
Lefebvre, Roland  
McElroy, Henry Jr  
Moran, Edward  
Pappas, Christopher  
Reeves, Sandra  
Slocum, Lee  
Wheeler, James

Arnold, Thomas Jr  
Beaton, William  
Carlson, Donald  
Christensen, D L Chris  
Fields, Dennis  
Gibson, John  
Graham, John  
Harrington, Paul  
Hopper, Gary  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Ross, Lawrence  
Souza, Kathleen  
Wheeler, Robert

Artz, Lawrence  
Bouchard, David  
Carter, Jeffrey  
Christiansen, Lars  
Fletcher, Richard  
Gonzalez, Carlos  
Greenberg, Gary  
Hawkins, Ken  
Infantine, William  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
O'Brien, Lori  
Pilote, Maurice  
Rowe, Robert  
Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
Daniels, Eric  
Hager, Elizabeth  
Kennedy, Richard  
Marple, Richard  
Ouellette, Robert

Brueggemann, Donald  
Field, William  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Reed, Dennis

Colcord, J D  
Foley, Albert  
Jacobson, Alf  
Leber, William  
McCormick, Tom

Currier, David  
Fraser, Leo Jr  
Kenison, Leon  
MacKay, James  
Oliver, James

**ROCKINGHAM**

Allen, Mary  
Cady, Harriet  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Johnson, Robert  
Letourneau, Robert  
McMahon, Charles  
Priestley, Anne  
Ruffner, Walter  
Stitch, C Donald  
Weare, E Albert  
Zolla, William

Belanger, Ronald  
Camm, Kevin  
Davidson, Robert  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hughes, Daniel  
Katsakiores, George  
Major, Norman  
Morris, Richard  
Rausch, James  
Scamman, Stella  
Tufts, J Arthur  
Welch, David

Bicknell, Elbert  
Carson, Sharon  
Dearborn, Bruce  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
McCann, Richard  
O'Neil, Michael  
Robertson, Carl  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr

Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Winchell, George

**STRAFFORD**

Albert, Russell  
Cataldo, Sam  
Scott, David  
Woods, Phyllis

Bemis, Alan  
Easson, Timothy  
Taylor, Katherine

Bickford, David  
Harrington, Michael  
Taylor, Kathleen

Campbell, W Packy  
Newton, Clifford  
Twombly, James

**SULLIVAN**

Rodeschin, Beverly

and the motion to Postpone Definitely failed.

The question being adoption of floor amendment (0633h).

Rep. Hess spoke against.

Rep. Almy requested a roll call; sufficiently seconded.

The question now being adoption of floor amendment (0633h).

**YEAS 128 NAYS 228**

**YEAS 128****BELKNAP**

Allen, Peter  
Espiefs, Peter  
Pratt, Irene  
Slack, Pamela

Batchelder, Robert  
Meader, David  
Pratt, John  
Tilton, Anna

Dunn, James  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

**CARROLL**

None

**CHESHIRE**

None

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Nordgren, Sharon  
Williams, Burton

Almy, Susan  
Densmore, Edward  
Scovner, Nancy

Benn, Bernard  
Diamond, Estelle  
Sokol, Hilda

Bleyler, Ruth  
Hammond, Lee  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Clemons, Jane  
Dokmo, Cynthia  
Jean, Claudette  
Lasky, Bette  
Movsesian, Lori  
Shaw, Barbara  
Sweeney, Cynthia

Bergin, Peter  
Cote, David  
Gorman, Mary  
Konys, Christine  
Lefebvre, Roland  
Pappas, Christopher  
Spiess, Paul  
Vaillancourt, Steve

Brassard, Paul  
Cote, Peter  
Haley, Robert  
Kopka, Angeline  
Malloy, Chris  
Pilotte, Maurice  
Sullivan, Francis

Buckley, Raymond  
Craig, James  
Irwin, Anne-Marie  
Kudalis, Debra  
McDonough-Wallace, Alice  
Ross, Lawrence  
Sullivan, Peter

**MERRIMACK**

Brueggemann, Donald  
DeStefano, Stephen  
Hamm, Christine  
Owen, Derek  
Rush, Deanna

Clarke, Claire  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Wallner, Mary Jane

Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances

DeJoie, John  
Hager, Elizabeth  
Osborne, Jessie  
Reed, Dennis

**ROCKINGHAM**

Blanchard, MaryAnn  
Davidson, Robert

Casey, Kimberley  
Gould, Kenneth

Coes, Betsy  
Kelley, Jane

Cooney, Richard  
Langone, John

McEachern, Paul  
Robertson, Carl

Norelli, Terie  
Shultis, Elizabeth

Pantelakos, Laura  
Splaine, James

Pitts, Jacqueline  
Vallone, Matthew

## STRAFFORD

Berube, Roger  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Bickford, David  
Heon, Richard  
Keans, Sandra  
Rollo, Deanna  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Taylor, Katherine

Creteau, Irene  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Taylor, Kathleen

## SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Phinzy, James

Cloutier, John  
Franklin, Peter

Donovan, Thomas  
Harris, Joseph

## NAYS 228

## BELKNAP

Allen, Janet  
Dewhirst, Glenn  
Laflam, Robert  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Whalley, Michael

Clark, Charles  
Holbrook, Robert  
Pilliod, James

## CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

## CHESHIRE

Dexter, Judson  
Royce, H Charles

Fish, Douglas  
Smith, Edwin

Hunt, John

Laurent, John

## COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick  
Woodward, David

Richardson, Herbert

## GRAFTON

Alger, John  
Eaton, Stephanie  
Ingretson, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

## HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Cernota, Albert  
Coughlin, Pamela  
Emerton, Larry  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Infantine, William  
L'Heureux, Robert  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Ober, Russell III

Allen, Timothy  
Balcom, John  
Bergeon, Jean-Guy  
Carlson, Donald  
Chabot, Robert  
Crane, Elenore Casey  
Fields, Dennis  
Gargasz, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Hinkle, Peyton  
Jasper, Shawn  
Laflamme, Charles  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pappas, Marc

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Carter, Jeffrey  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Gibson, John  
Graham, John  
Harrington, Paul  
Holden, Randolph  
Johnson, Lionel  
LaFlamme, Paul  
Luebckert, Bernard  
Mercer, Robert  
Mosher, William  
Pepino, Leo

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carter, Mark  
Christiansen, Lars  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Greenberg, Gary  
Hawkins, Ken  
Hopper, Gary  
Kurk, Neal  
Lawrence, James  
McElroy, Henry Jr  
Messier, Irene  
O'Brien, Lori  
Price, Pamela



Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Rowe, Robert  
Stepanek, Stephen

Scanlon, Michael  
Tate, Joan

Slocum, Lee  
Wheeler, James

### MERRIMACK

Anderson, Eric  
Daniels, Eric  
Hess, David  
Leber, William  
McCormick, Tom  
Soltani, Tony

Blanchard, Elizabeth  
Field, William  
Kenison, Leon  
Mackay, James  
Nutter, Edward

Colcord, J D  
Foley, Albert  
Kennedy, Richard  
Marple, Richard  
Oliver, James

Currier, David  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy  
Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Kobel, Rudolph  
McCann, Richard  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Belanger, Ronald  
Cady, Harriet  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Bicknell, Elbert  
Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hughes, Daniel  
Katsakiores, George  
Letourneau, Robert  
McMahon, Charles  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Welch, David  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Scott, David

Bemis, Alan  
Easson, Timothy  
Twombly, James

Campbell, W Packy  
Harrington, Michael  
Woods, Phyllis

Cataldo, Sam  
Newton, Clifford

### SULLIVAN

Jones, Constance Leone, Richard  
and floor amendment (0633h) failed.

Reps. Jacobson and Burling spoke against and yielded to questions.

Reps. Kurk and Hess spoke in favor.

Rep. Nordgren requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 205 NAYS 151**

### YEAS 205

### BELKNAP

Allen, Janet  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Boyce, Laurie  
Lafam, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Thomas, John

### CARROLL

Babson, David Jr  
Hatch, Paul  
Patten, Betsey

Brown, Carolyn  
McConkey, Mark  
Philbrick, Donald

Derby, Mark  
Merrow, Harry  
Stevens, Stanley

Dickinson, Howard  
Mock, Henry

### CHESHIRE

Dexter, Judson  
Royce, H Charles

Fish, Douglas  
Smith, Edwin

Hunt, John

Laurent, John

**COOS**

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick  
Woodward, David

Richardson, Herbert

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Ingbretson, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Chabot, Robert  
Crane, Elenore Casey  
Fields, Dennis  
Gargas, Carolyn  
Goyette, Peter Jr  
Harrington, Paul  
Infantine, William  
Laflamme, Charles  
Luebckert, Bernard  
Mercer, Robert  
O'Brien, Lori  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Allen, Timothy  
Balcom, John  
Bergeron, Jean-Guy  
Carter, Jeffrey  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Gibson, John  
Graham, John  
Hawkins, Ken  
Jasper, Shawn  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Milligan, Robert  
Ober, Russell III  
Rowe, Robert  
Stepanek, Stephen

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Carter, Mark  
Christiansen, Lars  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Greenberg, Gary  
Haytayan, Harry Jr  
Kurk, Neal  
Lawrence, James  
McElroy, Henry Jr  
Moran, Edward  
Pepino, Leo  
Scanlon, Michael  
Tate, Joan

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Cernota, Albert  
Coughlin, Pamela  
Emerton, Larry  
Furman, Christine  
Goulet, Maurice  
Hallyburton, Margaret  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Mosher, William  
Price, Pamela  
Slocum, Lee  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Field, William  
Kenison, Leon  
MacKay, James  
Nutter, Edward

Colcord, J D  
Foley, Albert  
Kennedy, Richard  
Marple, Richard  
Oliver, James

Currier, David  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy  
Ouellette, Robert

Daniels, Eric  
Hess, David  
Leber, William  
McCormick, Tom  
Soltani, Tony

**ROCKINGHAM**

Belanger, Ronald  
Camm, Kevin  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Kobel, Rudolph  
McMahon, Charles  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Bicknell, Elbert  
Carson, Sharon  
Dodge, Robert  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Johnson, Robert  
Letourneau, Robert  
Morris, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Bridle, Russell  
Clark, Vivian  
Duffy, James  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Katsakiores, George  
Major, Norman  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Welch, David

Cady, Harriet  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
McCann, Richard  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Woods, Phyllis

Campbell, W Packy  
Newton, Clifford

Cataldo, Sam  
Scott, David

Easson, Timothy  
Tombly, James

**SULLIVAN**

Jones, Constance

Leone, Richard

Rodeschin, Beverly

**NAYS 151****BELKNAP**

Dewhirst, Glenn

Fitzgerald, James

**CARROLL**

Kenney, Bettie

Olimpio, J Lisbeth

**CHESHIRE**

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Espiefs, Peter

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Tilton, Anna

Webber, Amy

Weed, Charles

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Diamond, Estelle

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin

Bergin, Peter

Brassard, Paul

Buckley, Raymond

Carlson, Donald

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Dokmo, Cynthia

Gorman, Mary

Haley, Robert

Hall, Charles

Holden, Randolph

Irwin, Anne-Marie

Jean, Claudette

Johnson, Lionel

Konys, Christine

Kopka, Angeline

Kudalis, Debra

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Malloy, Chris

McHugh, Claire

Messier, Irene

Movsesian, Lori

Pappas, Christopher

Pappas, Marc

Pilotte, Maurice

Ross, Lawrence

Shaw, Barbara

Spiess, Paul

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

**MERRIMACK**

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Davis, Frank

DeJoie, John

DeStefano, Stephen

French, Barbara

Gile, Mary

Hamm, Christine

Jacobson, Alf

Lockwood, Priscilla

Osborne, Jessie

Owen, Derek

Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Wallner, Mary Jane

**ROCKINGHAM**

Allen, Mary

Bishop, Franklin

Blanchard, MaryAnn

Casey, Kimberley

Coes, Betsy

Cooney, Richard

Davidson, Robert

DiFruscia, Anthony

Dupuis, Roland

Gould, Kenneth

Hughes, Daniel

Kelley, Jane

Langley, Jane

Langone, John

McEachern, Paul

McKinney, Betsy

Moore, Benjamin

Norelli, Terie

Noyes, Richard

Pantelakos, Laura

Pitts, Jacqueline

Robertson, Carl

Shultis, Elizabeth

Splaine, James

Vallone, Matthew

Zolla, William

**STRAFFORD**

Bemis, Alan

Berube, Roger

Bickford, David

Callaghan, Frank

Creteau, Irene

Dunlap, Patricia

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Pelletier, Arthur

Rollo, Deanna

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Taylor, Katherine

Taylor, Kathleen

Vachon, Dennis

Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizz, James		

and the majority report was adopted.  
Referred to Finance.

Rep. Norelli moved that the entire debate on HB 608 be printed in the Permanent Journal.  
Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 140 NAYS 216****YEAS 140  
BELKNAP**

Kenney, Bettie

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Meader, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Webber, Amy	Weed, Charles	

**COOS**

Brady, Mark	Mears, Edgar	Poulin, Richard	Theberge, Robert
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**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter			

**HILLSBOROUGH**

Baroody, Benjamin	Beaton, William	Bergin, Peter	Brassard, Paul
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dokmo, Cynthia	Ford, Nancy	Gargas, Carolyn
Gorman, Mary	Graham, John	Haley, Robert	Haytayan, Harry Jr
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Lasky, Bette	Lefebvre, Roland
Malloy, Chris	McDonough-Wallace, Alice	McHugh, Claire	Messier, Irene
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Ross, Lawrence
Shaw, Barbara	Spiess, Paul	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Wheeler, James		

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hamm, Christine	Jacobson, Alf	Nutter, Edward
Osborne, Jessie	Ouellette, Robert	Owen, Derek	Perkins, Randy
Potter, Frances	Reed, Dennis	Rush, Deanna	Wallner, Mary Jane

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Davidson, Robert	Gillick, Thomas	Johnson, Robert
Kelley, Jane	McEachern, Paul	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

**STRAFFORD**

Berube, Roger	Bickford, David	Callaghan, Frank	Creteau, Irene
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

**NAYS 216****BELKNAP**

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Laflam, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	McConkey, Mark	Merrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Royce, H Charles	Smith, Edwin		

**COOS**

Guay, Lawrence	King, Frederick	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert	Bruno, Pierre
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Dionne, Kimberley	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Greenberg, Gary
Hall, Charles	Hallyburton, Margaret	Harrington, Paul	Hawkins, Ken
Hopper, Gary	Infantine, William	Jasper, Shawn	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul
Lawrence, James	Leach, Edward	Lessard, Rudy	Luebker, Bernard
McElroy, Henry Jr	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tate, Joan	Vaillancourt, Steve	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Colcord, J D	Currier, David	Daniels, Eric
Field, William	Foley, Albert	Fraser, Leo Jr	Hess, David
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Oliver, James	Soltani, Tony	

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Hughes, Daniel	Ingram, Russell
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Rausch, James	Roessner, Kurt
Ruffner, Walter	Scamman, Stella	Smith, Donald	Stone, Joseph
Sritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Campbell, W Packy	Cataldo, Sam
Dunlap, Patricia	Easson, Timothy	Harrington, Michael	Newton, Clifford
Scott, David	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Rodeschin, Beverly
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and the motion failed.

**HB 629-FN-A-L**, relative to adequate education grants to cities and towns and relative to adjusting the education property tax rate based on the statewide cost of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Russell F. Ingram for Ways and Means: The committee supported the sponsor's intent to lower the statewide property tax over time. However, the methodology in the bill would be very difficult to administer and create unknown costs. Accordingly, the committee believes that other bills before it will more certainly achieve the sponsor's goal. Vote 15-0.

Adopted.

**HB 692-FN-A-L**, revising the property tax relief program in order to cap education property tax payments at 5 percent of adjusted gross income. **INEXPEDIENT TO LEGISLATE**

Rep. Tom F. McCormick for Ways and Means: The committee supported the goal of this bill to expand our property tax relief. The approach of the bill was incorporated in the legislative study committee's report of November 2002 on this subject. The committee felt the items contained in this bill could best be considered within the context of the bill under consideration that resulted from this study. Vote 13-2.

Rep. Burling spoke against.

Rep. McCormick spoke in favor.

Adopted.

**HB 714-FN-A**, excluding cable Internet services from the communications services tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The intent of this bill is to exempt cable broadband Internet services from the Communication Services Tax (CST). This tax became effective in 1997

when the Dept. of Revenue Administration assessed the CST tax against AT&T's high speed Internet access product, delivered over cable television fiber optic lines, as a two-way communications service. In 1998 the United States Congress passed the Internet Moratorium Act (Internet Tax Freedom Act). The New Hampshire CST tax was grandfathered since it was instituted prior to the Moratorium. This tax has not adversely effected the expansion of Internet services. Passage of this bill would result in up to a \$5 million dollar revenue loss that the state cannot afford at this time. Vote 17-0.

Rep. Ouellette spoke against.

Rep. Roessner spoke in favor.

Adopted.

**HB 717-FN-L, relative to targeted aid to education. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Giuda for the Majority of Ways and Means: This bill, as amended, repeals the statewide property tax and provides targeted aid to districts based upon a weighted formula that takes into account both a community's median income and the assessed valuation of its real property. It also assists with transportation costs, and includes in the formula factors for grade level, special education needs, the number of students receiving free and reduced lunches, and the number of students with limited proficiency in English. A county-specific cost of living factor is included. This bill as amended also repeals the existing underused property tax relief program, which becomes unnecessary with repeal of the statewide property tax. Vote 15-6.

Rep. Vivian R. Clark for the Minority of Ways and Means: Some information needed for analysis of this bill was outdated and some was simply not provided. One effect which was evident, however, was that some towns which currently enjoy relatively low tax rates would see them go even lower, while others with high tax rates would see a further increase. There are also strong doubts about the constitutionality of the bill. The minority would like to retain this bill and develop a targeted aid program that goes to the most needy communities.

**Majority Amendment (0539h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that the present system of providing adequate education grants to support public elementary and secondary education does not sufficiently serve the objective of equalizing educational opportunity in the state, does not efficiently direct state resources to school districts based on fiscal need, and requires levy and collection of a statewide property tax that is divisive and unnecessary, if state resources are more efficiently directed. The purpose of this act is to direct state school aid more efficiently and effectively based on the relative fiscal need of local communities, and so better serve the objective of equalizing educational opportunity for pupils in the state's public elementary and secondary schools.

2 New Sections; Targeted Aid Grants; Transition Education Grants. Amend RSA 198 by inserting after section 41 the following new sections:

198:41-a Determination of Targeted Aid Grants.

I. For the biennium beginning July 1, 2003 and every biennium thereafter, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the targeted aid grant for a municipality as follows:

(a) A municipality's targeted aid grant shall be the difference between its education need less its fiscal capacity, as determined in accordance with this paragraph.

(b) Education need shall mean the sum of a municipality's education operating need plus education transportation need.

(c) Education operating need shall be \$4,870 multiplied by the municipality's total weighted pupils. This product shall be multiplied by the county relative cost of living factor applicable to the municipality. As used in this paragraph:

(1) A municipality's total weighted pupils shall mean the number of its elementary school pupils, including kindergarten pupils, plus 1.1 times the number of its high school pupils, plus the number of its special education pupils, plus the number of its pupils eligible to receive free or reduced price lunch, plus the number of its pupils with limited proficiency in the English language, plus the number of its scale pupils.

(2) The number of a municipality's scale pupils shall be determined by multiplying the number of its elementary pupils, including kindergarten pupils, by a scale factor as follows:

(A) 0.3, if the municipality's 2000 United States census population is less than 1,000 persons.

(B) 0.15, if the municipality's 2000 United States census population is at least 1,000 but less than 2,000 persons.

(C) 0.1, if the municipality's 2000 United States census population is at least 2,000 but less than 3,000 persons.

(D) zero, if the municipality's 2,000 United States census population is 3,000 or more persons.

(3) The county relative cost of living factor is:

(A) Belknap county municipalities: 0.99.

(B) Carroll county municipalities: 0.99.

(C) Cheshire county municipalities: 1.01.

(D) Coos county municipalities: 0.90

(E) Grafton county municipalities: 0.96.

(F) Hillsborough county municipalities: 1.07.

(G) Merrimack county municipalities: 1.03.

(H) Rockingham county municipalities: 1.07.

(I) Strafford county municipalities: 1.00.

(J) Sullivan county municipalities: 0.98.

(d) Education transportation need shall mean the sum of the municipality's number of pupils plus the number of its scale pupils, multiplied by \$322. This product shall be multiplied by the county relative cost of living factor applicable to the municipality.

(e) Fiscal capacity shall mean the sum of the municipality's equalized property valuation as determined by the department of revenue administration as of April 1, 2001, excluding property subject to taxation under RSA 83-F, plus the municipality's total household income, divided by 2. The result shall then be multiplied by 0.019267. Total household income shall mean the municipality's median household income multiplied by the number of its households, as determined by the 2000 United States census.

(f) The calculation required under this paragraph shall be performed and distributed to school districts no later than November 1 of the year before the beginning of the biennium for which it is made.

II.(a) For the biennium beginning July 1, 2005, and every biennium thereafter, the department of education shall perform the calculations required under this section based on the most recent available data representing the number of elementary and high school pupils, special education pupils, pupils eligible for free or reduced price lunch, pupils with limited proficiency in the English language in each municipality, and the equalized property valuation, excluding property subject to taxation under RSA 83-F.

(b) For the biennium beginning July 1, 2005, and every biennium thereafter the amount of \$4870 in the calculation of operating need and the amount of \$322 in the calculation of transportation need shall each be adjusted according to the change in the consumer price index as calculated by the United States Department of Labor. Furthermore, the department shall recalculate a municipality's population, median household income, and number of households by reference to the most recently available data from the United States decennial census.

III. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of the targeted aid grant for each municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department of education.

198:41-b Transition Education Grants.

I. Notwithstanding the provisions of RSA 198:41-a, for the fiscal years 2004 through 2008, each municipality shall receive a transition education grant determined as follows:

(a) For fiscal year 2004, if a municipality's targeted aid grant calculated under RSA 198:41-a is greater than the adequate education grant it would be entitled to receive under the version RSA 198:41 in effect one day prior to the effective date of this section, the municipality shall be entitled to receive an amount equal to the amount of its adequate education grant. However, if a municipality's targeted aid grant is less than its adequate education grant, the municipality shall be entitled to receive 84.4 percent of the adequate education grant.



(b) For fiscal year 2005, if a municipality's targeted aid grant calculated for the fiscal year ending June 30, 2004 under RSA 198:41-a is greater than the adequate education grant it would have been entitled to receive for the same fiscal year under the version of RSA 198:41 in effect one day prior to the effective date of this section, the municipality shall be entitled to receive an amount equal to such adequate education grant, plus 15 percent of the difference, if any, between the amount of the fiscal year 2004 targeted aid grant and the fiscal year 2004 adequate education grant. However, if the municipality's fiscal year 2004 targeted aid grant is less than the fiscal year 2004 adequate education grant, the municipality shall be entitled to receive 84.4 percent of such adequate education grant.

(c) For fiscal year 2006, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2005 under this paragraph, plus 25 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2006 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

(d) For fiscal year 2007, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2005 under this paragraph, plus 50 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2006 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

(e) For fiscal year 2008, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2007 under this paragraph, plus 50 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2008 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

II. For fiscal years following 2008, a municipality shall be entitled to receive an amount determined in accordance with RSA 198:41-a.

3 Distribution Schedule and Appropriation. RSA 198:42 is repealed and reenacted to read as follows:

198:42 Distribution Schedule of Adequate Education Transition Education and Targeted Aid Grants; Appropriation.

I. The transition education grant determined in RSA 198:41-b, and beginning in fiscal year 2009, the targeted aid grant determined in RSA 198:41-a, shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on August 1, 20 percent on September 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in RSA 198:41-a or RSA 198:41-b shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of adequate education grants.

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district. When a payment of a grant is made to a school district, the municipality on whose behalf the payment is made, shall receive notification from the state treasurer of the amount of the payment made to its school district or districts.

4 Maintenance of Local Control. RSA 198:48 is repealed and reenacted to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on the provisions of RSA 198:41-a and RSA 198:41-b, and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school

districts operate or spend their budgets except that adequate education grants must be expended for educational purposes. Transition education grants and targeted aid grants shall not be considered unanticipated funds under RSA 198:20-b.

5 Repeals. The following are repealed:

I. RSA 21-I:18, I(1), relative to the purchase of services by the department of administrative services for the administration of low and moderate income homeowners property tax relief.

II. RSA 76:3, relative to the education property tax.

III. RSA 83-F:9, relative to exemption from the education property tax

IV. RSA 198:38, I, V-X, and XII, relative to certain definitions regarding state aid for educational adequacy.

V. RSA 198:39, I(g), relative to deposit of excess property tax payments

VI. RSA 198:40-41, relative to determination of per pupil adequate education cost and adequate education grant.

VII. RSA 198:44, relative to duties of the department of education and the board of education.

VIII. RSA 198:46-47, relative to excess education property tax payment and forms.

IX. RSA 198:49, relative to the adequate education and education financing commission.

X. RSA 198:56-61, relative to low and moderate income homeowners property tax relief.

6 Effective Date.

I. RSA 198:41-a, I(f) as inserted by section 2 of this act shall take effect January 1, 2004.

II. Paragraph II of section 5 of this act shall take effect March 31, 2003.

III. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Provides for targeted aid grants to municipalities based on a revised cost calculation formula.

II. Provides for transition education grants to municipalities for fiscal years 2004-2008.

III. Repeals the education property tax.

IV. Repeals excess education property tax payments.

V. Repeals the low and moderate income homeowners property tax relief program.

Adopted

Reps. Vivian Clark spoke against and yielded to questions.

Rep. Hughes spoke in favor and yielded to questions.

Reps. Almy and Jasper spoke against.

Reps. Gionet, Kurk and Giuda spoke in favor.

Rep. Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### YEAS 209 NAYS 135

#### YEAS 209

#### BELKNAP

Allen, Janet  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Boyce, Laurie  
Laflam, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Thomas, John

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Stevens, Stanley

Dickinson, Howard  
Mock, Henry

#### CHESHIRE

Dexter, Judson  
Royce, H Charles

Fish, Douglas  
Smith, Edwin

Hunt, John

Laurent, John

#### COOS

Brady, Mark  
Pratt, Leighton  
Woodward, David

Guay, Lawrence  
Richardson, Herbert

King, Frederick  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

**GRAFTON**

Alger, John	Barker, Robert	Benn, Bernard	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbreton, Paul	Maybeck, Margie
Sorg, Gregory	Williams, Burton		

**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Beaton, William	Brundige, Robert	Bruno, Pierre	Carter, Mark
Cernota, Albert	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Crane, Elenore Casey	Dionne, Kimberley	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Hawkins, Ken
Haytayan, Harry Jr	Holden, Randolph	Hopper, Gary	Johnson, Lionel
Kurk, Neal	Laflamme, Charles	LaFlamme, Paul	Lawrence, James
Leach, Edward	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	O'Brien, Lori	Ober, Russell III	Pappas, Marc
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Scanlon, Michael
Slocum, Lee	Spieß, Paul	Stepanek, Stephen	Wheeler, James
Wheeler, Robert			

**MERRIMACK**

Anderson, Eric	Currier, David	Field, William	Foley, Albert
Fraser, Leo Jr	Hess, David	Jacobson, Alf	Kenison, Leon
Kennedy, Richard	L'Heureux, Stephen	Leber, William	MacKay, James
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Oliver, James	Ouellette, Robert		

**ROCKINGHAM**

Belanger, Ronald	Bicknell, Elbert	Blanchard, MaryAnn	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Duffy, James	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Griffin, Mary
Hamel, Albert	Headd, James	Hughes, Daniel	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
McCann, Richard	McEachern, Paul	McMahon, Charles	Morris, Richard
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II	Quandt, Matthew
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Shultis, Elizabeth	Smith, Donald	Splaine, James
Stone, Joseph	Stitch, C Donald	Tufts, J Arthur	Varrell, Thomas
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman Jr
Weyler, Kenneth	Winchell, George		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Harrington, Michael	Newton, Clifford	Scott, David
Spang, Judith	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Donovan, Thomas	Flint, Gordon Sr
Jones, Constance	Leone, Richard	Rodeschin, Beverly	

## NAYS 135 BELKNAP

Dewhirst, Glenn

Fitzgerald, James

## CARROLL

None

## CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, Irene  
Webber, Amy

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Dunn, James  
Mitchell, McKim  
Robertson, Timothy

Eaton, Daniel  
Parkhurst, Henry  
Tilton, Anna

## COOS

Poulin, Richard

Theberge, Robert

## GRAFTON

Akins, Ralph  
Densmore, Edward  
Scovner, Nancy

Almy, Susan  
Diamond, Estelle  
Sokol, Hilda

Bleyler, Ruth  
Hammond, Lee  
Solomon, Peter

Cooney, Mary  
Nordgren, Sharon

## HILLSBOROUGH

Baroody, Benjamin  
Brassard, Paul  
Clemons, Jane  
Craig, James  
Gibson, John  
Hallyburton, Margaret  
Jean, Claudette  
Lasky, Bette  
Malloy, Chris  
Pilotte, Maurice  
Sullivan, Francis  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Gorman, Mary  
Harrington, Paul  
Konys, Christine  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Rowe, Robert  
Sullivan, Peter

Bergin, Peter  
Carlson, Donald  
Cote, Peter  
Ford, Nancy  
Goyette, Peter Jr  
Irwin, Anne-Marie  
Kopka, Angeline  
Lessard, Rudy  
Movsesian, Lori  
Shaw, Barbara  
Sweeney, Cynthia

Bouchard, David  
Carter, Jeffrey  
Coughlin, Pamela  
Gargas, Carolyn  
Hall, Charles  
Jasper, Shawn  
L'Heureux, Robert  
Luebkert, Bernard  
Pappas, Christopher  
Souza, Kathleen  
Tate, Joan

## MERRIMACK

Blanchard, Elizabeth  
Colcord, J D  
French, Barbara  
Osborne, Jessie  
Reed, Dennis

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Owen, Derek  
Rush, Deanna

Brueggemann, Donald  
DeJoie, John  
Hamm, Christine  
Perkins, Randy  
Soltani, Tony

Clarke, Claire  
DeStefano, Stephen  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

## ROCKINGHAM

Allen, Mary  
Cooney, Richard  
Dupuis, Roland  
McKinney, Betsy

Casey, Kimberley  
Davidson, Robert  
Gould, Kenneth  
Vallone, Matthew

Clark, Vivian  
DiFruscia, Anthony  
Introne, Robert  
Zolla, William

Goes, Betsy  
Dumaine, Dudley  
Letourneau, Robert

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Bickford, David  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Rollo, Deanna  
Taylor, Katherine

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Taylor, Kathleen

## SULLIVAN

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinzy, James

Franklin, Peter

Harris, Joseph

and the majority committee report was adopted.  
Referred to Finance.

**HB 746-FN-A**, revising the property tax relief program **OUGHT TO PASS WITH AMENDMENT** Rep. Christine C. Hamm for Ways and Means: This year a number of bills to provide expanded property tax relief for low and moderate income homeowners have come before the Ways and Means Committee. While these have received support for their intent, the majority of the committee found that HB 746 was the best vehicle to achieve the goals we seek, including: 1) an attempt at meaningful relief for those most in need, i.e. resident homeowners whose total net property taxes exceed 10 percent of household income for married couples or 8 percent of household income for individuals; 2) simplicity both of administration and access; 3) flexibility to allow for future modification; and 4) fiscal responsibility based on findings. By providing a "rebate from education property taxes paid in the amount of the difference between total net property tax paid and 8 percent or 10 percent of household income, or \$1,500, whichever is less", the majority of the members of the Ways and Means Committee expect the total cost to the State will be between \$4 million to \$6 million dollars. HB 746 is based upon the findings of the study committee established by HB 213. Vote 15-3.

#### **Amendment (0538h)**

Amend the introductory paragraph of RSA 198:56, III(a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) "Household income" means the sum of [~~the adjusted gross income for federal income tax purposes~~] *net income from all sources* of the claimant and any adult member of the claimant's household who resides in the homestead for which a claim is made. *The net income shall be determined by deducting from all moneys received from any source, including social security and pension payments, the amount of any of the following or the sum thereof:*

Amend RSA 198:57, VI(a)(2) as inserted by section 6 of the bill by replacing it with the following:

(2) \$1,500.

Amend the bill by replacing section 7 with the following:

7 Reference Change: Public Contractors Added. Amend RSA 21-I:18, I(1) to read as follows:

(1) Purchases of services from private *and public* contractors by the department of revenue administration with respect to the administration of [~~low and moderate income homeowners~~] *state education property tax homeowners* relief claims.

#### **AMENDED ANALYSIS**

This bill revises the current "low and moderate income homeowners property tax relief" program as the "state education property tax homeowners relief" program. This relief program will be available to any resident homeowner whose total net property taxes exceed 10 percent of household income or 8 percent of household income if such resident homeowner filed a federal income tax return as head of household. This bill allows a rebate from education property taxes paid in the amount of the difference between total net property tax paid and 8 percent or 10 percent of household income depending on federal income tax filing status, or \$1,500, whichever is less.

Adopted.

Report adopted and referred to Finance.

#### **SPECIAL ORDER**

Without objection, the Speaker ordered that all bills removed from today's Consent Calendar be made a Special Order for March 13, 2003 as the first order of business.

#### **RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 13, 2003 at 10:00 a.m.

Adopted.

#### **LATE SESSION**

##### **Third reading and final passage**

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. **HB 120**, relative to sessions for the correction of the checklist and sessions for changes of party registration.

**HB 275**, establishing a committee to study ballot reform.

**HB 358-FN-L**, relative to recount fees in local elections

**HB 658-FN**, relative to impersonation of candidates.

**HB 156**, relative to weights and measures.

**HB 181**, relative to limiting landowner liability for giving permission for horseback riding.

**HB 281-FN**, exempting automatic irrigation system installers from licensure by the electrician's board.

**HB 469**, relative to areas of the state for hunting by crossbow.

**HB 533**, relative to health carrier disclosure for medical child support enforcement.

**HB 831**, establishing a New Hampshire end-of-life care study commission.

**HB 434-L**, relative to junkyards and motor vehicle recycling yards.

**HB 769**, relative to the lighting of certain advertising devices along highways.

**HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices.

**HB 703-FN**, permitting free admission to the state park system for disabled veterans.

**HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.

**HR 9**, urging the federal government to extend the Internet Tax Freedom Act moratorium.

**HB 379**, relative to penalties for OHRV violations by underage operators.

**HB 819**, relative to original and youth operators' licenses.

**HB 828-FN-A-L**, establishing a committee to study the effect of alternative transportation on state revenues.

**HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

**HB 791-FN-A**, establishing a rest area and state liquor store retail opportunities commission.

**HB 326**, relative to establishing a 6-year capital budget.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:10 p.m.

### RECESS

#### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 10

Thursday, March 13, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator of all, in whom we live and move and have our being, You see us living in a broken and divided world; be present with the leaders of the nations who seek justice and peace among all people.

We especially remember Private Andrew Stevens and Sergeant William Tracy, citizens and soldiers of our beloved New Hampshire who have given their lives in the service of our country; receive them into larger life and comfort their love ones who mourn.

Bless the work of this honorable House today.

May Your protective blessing be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen.

Rep. Pamela Price led the Pledge of Allegiance.

The National Anthem was sung by Kathryn Ludwig, a senior at the University of New Hampshire.

### LEAVES OF ABSENCE

Reps. Callaghan, Stephanie Eaton, Flanagan, Furman, Haley, Holland, Hunter and Rice, the day, illness.

Reps. Nelson Allan, Balcom, Cail, Daniels, Drisko, Duffy, Hollinger, Kaen, John Manning, Joseph Manning, McDonough-Wallace, Moore, Schulze, Paul Smith, Snyder, Jeffrey Sullivan and Tate, the day, important business.

Reps. Hagan and Langer, the day, illness in the family.

Rep. Itse, the day, death in the family.

### INTRODUCTION OF GUESTS

Virginia and John Heald, daughter and son-in-law of Rep. Hinkle. Tracy Packard, Jeff Eastman, Dylan Gingles, Keith Arnesen, Chelsey Lizotte, Tina Jodoin, Carissa Houston, Kendra Truman, Chris Clough, Brendan Bell, students at Mascoma High School and teachers Deborah Tufts and Bridgette Fisher, guests of Reps. Scovner and Tufts. Sharon Guaraldi, Maryssa and Michelle Carman and Beverly Hall, guests of Rep. Dudley. Candace Cunha, guest of Rep. Claire Clarke. Nick Bauer, guest of Rep. Scamman.

### SPECIAL ORDERS

#### BILLS REMOVED FROM CONSENT CALENDAR 3-12-03

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: As currently written the extended term statute applies to every crime except manslaughter. This legislation corrects that oversight. In addition, the United States Supreme Court held that any fact, other than a prior conviction, that increases the maximum statutory penalty, must be submitted to the jury and proven beyond a reasonable doubt before a court can impose an enhanced or extended term. This requirement is now put in place. Vote 12-0.

#### Amendment (0327h)

Amend RSA 656:6, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, a juvenile probation and parole officer, or a conservation officer.

Rep. Welch spoke against.

Amendment failed.

Rep. Welch offered floor amendment (0623h) and spoke in favor.

### Floor Amendment (0623h)

Amend RSA 651:6, I-a as inserted by section I of the bill by replacing it with the following:

I-a. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, a juvenile probation and parole officer, or a conservation officer.

Floor amendment (0623h) adopted.

Report adopted and ordered to third reading.

### HB 51, apportioning state representative districts. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Election Law: This bill is basically a re-write of HB 336 from the last session. The committee shares the sponsor's concern that more districts are desirable, and this bill does, in fact, create 218 districts as opposed to the court-mandated 88 districts. However, deviations in this plan were rather large in some of the districts and since the committee has numerous other redistricting bills to consider, we felt this would not be the ideal vehicle. Vote 12-0.

Rep. Leach spoke against.

Rep. Stritch spoke in favor and yielded to questions.

Rep. Leach requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 275 NAYS 74

#### YEAS 275

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Lafam, Robert  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

#### CARROLL

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

#### CHESHIRE

Batchelder, Robert  
Laurent, John  
Pratt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George  
Robertson, Timothy  
Tilton, Anna

Dunn, James  
Meador, David  
Royce, H Charles  
Weed, Charles

Fish, Douglas  
Pratt, Irene  
Slack, Pamela

#### COOS

Mears, Edgar  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Richardson, Herbert

Theberge, Robert

#### GRAFTON

Akins, Ralph  
Densmore, Edward  
Gionet, Edmond  
Scovner, Nancy

Barker, Robert  
Diamond, Estelle  
Giuda, Robert  
Solomon, Peter

Benn, Bernard  
Dorsett, Andrew  
Hammond, Lee  
Sorg, Gregory

Bleyler, Ruth  
Gilman, G Michael  
Nordgren, Sharon

#### HILLSBOROUGH

Allen, Timothy  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Brundige, Robert

Arnold, Thomas Jr  
Barry, J Gail  
Bergin, Peter  
Buckley, Raymond

Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Buhlman, David

Balboni, Michael  
Beaton, William  
Brassard, Paul  
Carlson, Donald



Carter, Jeffrey  
 Clayton, William  
 Coughlin, Pamela  
 Elliott, Larry  
 Gibson, John  
 Greenberg, Gary  
 Harrington, Paul  
 Holden, Randolph  
 Konys, Christine  
 Lasky, Bette  
 Malloy, Chris  
 Mercer, Robert  
 O'Brien, Lori  
 Pepino, Leo  
 Rowe, Robert  
 Souza, Kathleen  
 Tahir, Saghir

Cernota, Albert  
 Clemons, Jane  
 Craig, James  
 Emerton, Larry  
 Gonzalez, Carlos  
 Hall, Charles  
 Hawkins, Ken  
 Jasper, Shawn  
 Kopka, Angeline  
 Lawrence, James  
 McElroy, Henry Jr  
 Milligan, Robert  
 Ober, Russell III  
 Pilotte, Maurice  
 Scanlon, Michael  
 Stepanek, Stephen  
 Vaillancourt, Steve

Christensen, D L Chris  
 Cote, David  
 Dionne, Kimberley  
 Fields, Dennis  
 Gorman, Mary  
 Hallyburton, Margaret  
 Haytayan, Harry Jr  
 Johnson, Lionel  
 Kudalis, Debra  
 Lefebvre, Roland  
 McHugh, Claire  
 Mosher, William  
 Pappas, Christopher  
 Price, Pamela  
 Shaw, Barbara  
 Sullivan, Francis  
 Wheeler, James

Christiansen, Lars  
 Cote, Peter  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Goyette, Peter Jr  
 Hansen, Ryan  
 Hinkle, Peyton  
 Kerns, J Edward  
 Laflamme, Charles  
 Lessard, Rudy  
 McRae, Karen  
 Movsesian, Lori  
 Pappas, Marc  
 Reeves, Sandra  
 Slocum, Lee  
 Sweeney, Cynthia

### MERRIMACK

Clarke, Claire  
 DeStefano, Stephen  
 Fraser, Leo Jr  
 Kenison, Leon  
 Marple, Richard  
 Ouellette, Robert  
 Wallner, Mary Jane

Colcord, J D  
 Dunne, Christopher  
 Hamm, Christine  
 L'Heureux, Stephen  
 McCormick, Tom  
 Potter, Frances

Currier, David  
 Field, William  
 Hess, David  
 Lockwood, Priscilla  
 Nutter, Edward  
 Reed, Dennis

DeJoie, John  
 Foley, Albert  
 Jacobson, Alf  
 MacKay, James  
 Oliver, James  
 Soltani, Tony

### ROCKINGHAM

Allen, Mary  
 Blanchard, MaryAnn  
 Carson, Sharon  
 Dalrymple, Janeen  
 Dodge, Robert  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Ingram, Russell  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McMahon, Charles  
 Packard, Sherman  
 Roessner, Kurt  
 Stone, Joseph  
 Waterhouse, Kevin  
 Weyler, Kenneth

Belanger, Ronald  
 Bridle, Russell  
 Casey, Kimberley  
 Davidson, Robert  
 Doyle, Christopher  
 Flanders, John Sr  
 Gilbert, Karl  
 Hamel, Albert  
 Introne, Robert  
 Kelley, Jane  
 Major, Norman  
 Norelli, Terie  
 Pantelakos, Laura  
 Ruffner, Walter  
 Stritch, C Donald  
 Weare, E Albert  
 Wiley, Robert

Bicknell, Elbert  
 Cady, Harriet  
 Clark, Vivian  
 Dearborn, Bruce  
 Dumaine, Dudley  
 Flayhan, Mary Lou  
 Gillick, Thomas  
 Headd, James  
 Johnson, Robert  
 Kobel, Rudolph  
 McCann, Richard  
 Noyes, Richard  
 Priestley, Anne  
 Scamman, Stella  
 Tufts, J Arthur  
 Welch, David  
 Winchell, George

Bishop, Franklin  
 Camm, Kevin  
 Coes, Betsy  
 DiFruscia, Anthony  
 Dupuis, Roland  
 Francoeur, Sheila  
 Gould, Kenneth  
 Hughes, Daniel  
 Johnson, Rogers  
 Langley, Jane  
 McKinney, Betsy  
 O'Neil, Michael  
 Rausch, James  
 Smith, Donald  
 Vallone, Matthew  
 Weldy, Norman Jr  
 Zolla, William

### STRAFFORD

Albert, Russell  
 Campbell, W Packy  
 Grassie, Anne  
 Musler, George  
 Rous, Emma  
 Spang, Judith  
 Woods, Phyllis

Bemis, Alan  
 Cataldo, Sam  
 Johnson, Nancy  
 Newton, Clifford  
 Schmidt, Peter  
 Taylor, Kathleen

Berube, Roger  
 Dunlap, Patricia  
 Knowles, William  
 Pelletier, Arthur  
 Scott, David  
 Twombly, James

Brown, Julie  
 Easson, Timothy  
 Miller, Joseph  
 Rollo, Deanna  
 Smith, Marjorie  
 Wall, Janet

### SULLIVAN

Burling, Peter  
 Franklin, Peter  
 Rodeschin, Beverly

Cloutier, John  
 Harris, Joseph

Ferland, Brenda  
 Harris, Sandra

Flint, Gordon Sr  
 Phinizy, James

## NAYS 74 BELKNAP

None

## CARROLL

Babson, David Jr

## CHESHIRE

Allen, Peter  
Mitchell, McKimEaton, Daniel  
Parkhurst, HenryEspieffs, Peter  
Richardson, BarbaraHunt, John  
Webber, Amy

## COOS

Brady, Mark

King, Frederick

## GRAFTON

Alger, John  
Ingbretson, Paul  
Williams, BurtonAlmy, Susan  
Maybeck, MargieCooney, Mary  
Naro, DebraDudley, Terri  
Sokol, Hilda

## HILLSBOROUGH

Adams, Jarvis  
Ford, Nancy  
Hopper, Gary  
L'Heureux, Robert  
Ross, LawrenceBruno, Pierre  
Gargas, Carolyn  
Irwin, Anne-Marie  
Leach, Edward  
Spiess, PaulCarter, Mark  
Goulet, Maurice  
Jean, Claudette  
Messier, Irene  
Sullivan, PeterCrane, Elenore Casey  
Graham, John  
Kurk, Neal  
Mooney, Maureen  
Wheeler, Robert

## MERRIMACK

Anderson, Eric  
Davis, Frank  
Maxfield, Roy  
Reardon, TaraBlanchard, Elizabeth  
French, Barbara  
Osborne, Jessie  
Rush, DeannaBouchard, Candace  
Gile, Mary  
Owen, Derek  
Seldin, GloriaBrueggemann, Donald  
Leber, William  
Perkins, Randy

## ROCKINGHAM

Cooney, Richard  
Pitts, Jacqueline  
Shultis, ElizabethCorbin, Corey  
Putnam, Ed II  
Varrell, ThomasLangone, John  
Quandt, MatthewMcEachern, Paul  
Robertson, Carl

## STRAFFORD

Creteau, Irene  
Vachon, Dennis

Heon, Richard

Hofemann, Roland

Keans, Sandra

## SULLIVAN

Allison, David  
and the report was adopted.

Donovan, Thomas

Jones, Constance

Leone, Richard

### **HB 564-FN, relative to access to information in proceedings of the judicial conduct commission. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill allows the Judicial Conduct Commission access to confidential information in order to process a complaint made against a judge. This bill was a request of the newly created Judicial Conduct Commission. The Commission discovered in processing a certain complaint against a judge for a breach of the Judicial Code of Ethics involving a juvenile matter, which was sealed in accordance with present statutes. This bill will allow the JCC access to the juvenile proceedings and other confidential information that would otherwise be unavailable in order to process a complaint against a judge. The JCC hearing relating to the confidential information would be non-public and the confidential information would remain confidential. Further, the bill provides that a member, staff or agent of the JCC who violates the confidentiality would be guilty of a misdemeanor. Vote 10-1.

**Amendment (0522h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Judicial Conduct Commission; Access to Information. Amend RSA 494-A by inserting after section 11 the following new section:

494-A:11-a Access to Information; Hearings on Confidential Cases.

I. Notwithstanding any other provision of law to the contrary, a person subject to the code of judicial conduct may provide to the members of the judicial conduct commission, its staff and agents, and in the performance of its official duties the judicial conduct commission may review, any tapes, transcripts, records of proceedings, information, files, and other documents which would otherwise be confidential. No member, staff, or agent of the judicial conduct commission shall disclose such information except in the course of official duty. Any member, staff, or agent of the judicial conduct commission who violates the provisions of this paragraph shall be guilty of a misdemeanor.

II. In a hearing under RSA 494-A:11, II if any part of the complaint involves the conduct of a person in a case required to be confidential by law, the commission may, by majority vote, conduct the hearing, or any part thereof, in a session not open to the public. In such circumstances the commission shall make available to the public a summary of the nature of the complaint, the names of the person complained against and the complainant, and the decision of the committee.

2 Effective Date. This act shall take effect upon its passage.

Rep. Mock spoke to an error in the committee report and requested the fourth sentence be deleted in the Permanent Journal.

The Speaker so ordered.

Amendment adopted.

Report adopted and ordered to third reading.

**HB 673-FN-L**, relative to municipal water system connection fees. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: The committee realizes that the Copple Crown Village District, a water precinct in the town of Durham, faces a problem with paying for upgrades to water lines and that their \$12,000 hook-up fee is quite high, but is concerned that any remedy that might be proposed to address this particular situation could have unintended implications for other water supply systems. As stated in a letter from the Copple Crown Village District's Secretary/Treasurer, additional costs were incurred in response to a New Hampshire Department of Environmental Services Water Division mandate in 1995-1996 to upgrade the water system. Vote 13-0.

Rep. Patten moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Municipal and County Government.

**HB 454**, relative to property rights and large groundwater withdrawals. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would give municipalities veto power in the permitting process of large groundwater withdrawals. The veto power would extend to any municipality within the anticipated zone of contribution. It would therefore allow a municipality to veto a withdrawal in other municipalities. Past legislatures have rejected this measure several times in recent years because water is more than a local resource. Groundwater does not recognize municipal boundaries and is in reality a regional resource. It is for this reason that the state should have the final say in approving or disapproving large groundwater withdrawals, as they now have. However, the committee recognizes that local communities should have a strong voice in the process and should be given ample opportunity to present their concerns. The bill also asks for protection of existing water rights. Except for the veto power of municipalities, the committee plans to address the other concerns in a least one of the comprehensive study bills concerning groundwater presently before the committee. Vote 18-0.

Reps. Cady and Bicknell spoke against and yielded to questions.

Rep. Cooney spoke in favor and yielded to questions.

Rep. requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 288 NAYS 74****YEAS 288****BELKNAP**

Ahern, Omer Jr  
Dewhirst, Glenn  
Lafam, Robert  
Russell, David

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Thomas, John

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

**CHESHIRE**

Dexter, Judson  
Hunt, John  
Mitchell, McKim  
Royce, H Charles  
Webber, Amy

Dunn, James  
Laurent, John  
Parkhurst, Henry  
Slack, Pamela

Eaton, Daniel  
Liebl, George  
Pratt, Irene  
Smith, Edwin

Fish, Douglas  
Meader, David  
Robertson, Timothy  
Tilton, Anna

**COOS**

Brady, Mark  
Poulin, Richard  
Tholl, John Jr

Guay, Lawrence  
Pratt, Leighton

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Dorsett, Andrew  
Giuda, Robert  
Naro, Debra  
Solomon, Peter

Alger, John  
Bleyler, Ruth  
Dudley, Terri  
Hammond, Lee  
Nordgren, Sharon  
Sorg, Gregory

Amy, Susan  
Cooney, Mary  
Gilman, G Michael  
Ingbreton, Paul  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Densmore, Edward  
Gionet, Edmond  
Maybeck, Margie  
Sokol, Hilda

**HILLSBOROUGH**

Allen, Timothy  
Batula, Peter  
Bouchard, David  
Buckley, Raymond  
Carter, Mark  
Clayton, William  
Craig, James  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Jean, Claudette  
Kopka, Angeline  
Lafamme, Charles  
Leach, Edward  
Mercer, Robert  
Mosher, William  
Pappas, Christopher  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

Arnold, Thomas Jr  
Beaton, William  
Brassard, Paul  
Buhlman, David  
Cernota, Albert  
Clemons, Jane  
Desmarais, Vivian  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hansen, Ryan  
Holden, Randolph  
Johnson, Lionel  
Kudalis, Debra  
LaFlamme, Paul  
Lessard, Rudy  
Milligan, Robert  
Movsesian, Lori  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, James

Baroody, Benjamin  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Cote, David  
Dionne, Kimberley  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Irwin, Anne-Marie  
Kerns, J Edward  
Kurk, Neal  
Lasky, Bette  
Malloy, Chris  
Mooney, Maureen  
O'Brien, Lori  
Pepino, Leo  
Scanlon, Michael  
Sullivan, Francis  
Wheeler, Robert

Barry, J Gail  
Bergin, Peter  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Hall, Charles  
Hawkins, Ken  
Jasper, Shawn  
Konys, Christine  
L'Heureux, Robert  
Lawrence, James  
McElroy, Henry Jr  
Moran, Edward  
Ober, Russell III  
Price, Pamela  
Slocum, Lee  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Dunne, Christopher  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Nutter, Edward  
Wallner, Mary Jane

Bouchard, Candace  
Currier, David  
Field, William  
Gile, Mary  
Kenison, Leon  
MacKay, James  
Reardon, Tara

Brueggemann, Donald  
DeJoie, John  
Foley, Albert  
Hager, Elizabeth  
L'Heureux, Stephen  
Maxfield, Roy  
Reed, Dennis

Clarke, Claire  
DeStefano, Stephen  
Fraser, Leo Jr  
Hess, David  
Leber, William  
McCormick, Tom  
Seldin, Gloria

**ROCKINGHAM**

Allen, Mary  
Camm, Kevin  
Coes, Betsy  
Davidson, Robert  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Introne, Robert  
Kelley, Jane  
Major, Norman  
McMahon, Charles  
O'Neil, Michael  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert

Belanger, Ronald  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Packard, Sherman  
Rausch, James  
Shultis, Elizabeth  
Tufts, J Arthur  
Welch, David

Blanchard, MaryAnn  
Casey, Kimberley  
Corbin, Corey  
Doyle, Christopher  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Katsakiores, George  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Smith, Donald  
Varrell, Thomas  
Wiley, Robert

Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Gould, Kenneth  
Ingram, Russell  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Zolla, William

**STRAFFORD**

Bemis, Alan  
Campbell, W Packy  
Hofemann, Roland  
Rous, Emma  
Taylor, Kathleen

Berube, Roger  
Creteau, Irene  
Johnson, Nancy  
Schmidt, Peter  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Keans, Sandra  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
Grassie, Anne  
Pelletier, Arthur  
Spang, Judith  
Woods, Phyllis

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Rodeschin, Beverly

Donovan, Thomas  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

**NAYS 74****BELKNAP**

Boyce, Laurie

None

**CARROLL****CHESHIRE**

Allen, Peter  
Richardson, Barbara

Batchelder, Robert  
Weed, Charles

Espiefs, Peter

Pratt, John

**COOS**

Woodward, David

**GRAFTON**

Diamond, Estelle

**HILLSBOROUGH**

Adams, Jarvis  
Cote, Peter  
Hinkle, Peyton

Artz, Lawrence  
Crane, Elenore Casey  
Hopper, Gary

Balboni, Michael  
Gibson, John  
Lefebvre, Roland

Chabot, Robert  
Graham, John  
McHugh, Claire

McRae, Karen  
Shaw, Barbara

Messier, Irene  
Souza, Kathleen

Pilotte, Maurice  
Sullivan, Peter

Ross, Lawrence  
Sweeney, Cynthia

### MERRIMACK

Blanchard, Elizabeth  
Marple, Richard  
Owen, Derek  
Soltani, Tony

Davis, Frank  
Oliver, James  
Perkins, Randy

Hamm, Christine  
Osborne, Jessie  
Potter, Frances

Kennedy, Richard  
Ouellette, Robert  
Rush, Deanna

### ROCKINGHAM

Bicknell, Elbert  
Dodge, Robert  
Johnson, Robert  
Scamman, Stella  
Weyler, Kenneth

Bishop, Franklin  
Dupuis, Roland  
Kobel, Rudolph  
Splaine, James  
Winchell, George

Cady, Harriet  
Flayhan, Mary Lou  
Pantelakos, Laura  
Vallone, Matthew

DiFruscia, Anthony  
Headd, James  
Pitts, Jacqueline  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Knowles, William  
Rollo, Deanna

Cataldo, Sam  
Miller, Joseph  
Scott, David

Easson, Timothy  
Musler, George  
Twombly, James

Heon, Richard  
Newton, Clifford

### SULLIVAN

Cloutier, John  
and the committee report was adopted.  
Rep. Wall voted Yea and intended to vote Nay.

Franklin, Peter

Phinizy, James

**HB 330**, relative to public utilities mergers and acquisitions. **INEXPEDIENT TO LEGISLATE**  
Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsors of HB 330 sought to change the standards for review by the Public Utilities Commission (PUC) of mergers and acquisitions. They would require the commission to send notices to all customers, shareholders and municipalities for such mergers etc. The current statute RSA 369:8 ll. (b), was the culmination of years of negotiating by all types of public utilities, the Public Utilities Commission and the consumer advocate, all under the leadership of the Science, Technology and Energy Committee. The provisions of RSA 369:8 were carefully crafted to specify for approval, i.e. specifically no adverse effect on rates, terms, conditions and operations of the New Hampshire utility. The committee agrees that the changes proposed by this bill would dramatically change the previously established consensus and adversely affect many of our utilities' ability to compete. In the recent past there have been several mergers and acquisitions considered by the PUC under this statute and the process has worked as intended. Vote 15-1.

Rep. McHugh spoke against.

Rep. Maxfield spoke in favor.

Rep. McHugh requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 308 NAYS 52

#### YEAS 308

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Laflam, Robert  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

#### CHESHIRE

Allen, Peter  
Eaton, Daniel

Batchelder, Robert  
Espieffs, Peter

Dexter, Judson  
Fish, Douglas

Dunn, James  
Hunt, John

Laurent, John  
Parkhurst, Henry  
Royce, H Charles  
Webber, Amy

Liebl, George  
Pratt, Irene  
Slack, Pamela

Meador, David  
Pratt, John  
Smith, Edwin

Mitchell, McKim  
Robertson, Timothy  
Tilton, Anna

## COOS

Brady, Mark  
Poulin, Richard  
Woodward, David

Guay, Lawrence  
Pratt, Leighton

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Theberge, Robert

## GRAFTON

Akins, Ralph  
Benn, Bernard  
Dorsett, Andrew  
Giuda, Robert  
Scovner, Nancy  
Williams, Burton

Alger, John  
Bleyler, Ruth  
Dudley, Terri  
Ingbretson, Paul  
Sokol, Hilda

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Maybeck, Margie  
Solomon, Peter

Barker, Robert  
Densmore, Edward  
Gionet, Edmond  
Nordgren, Sharon  
Sorg, Gregory

## HILLSBOROUGH

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Buckley, Raymond  
Carter, Mark  
Clemons, Jane  
Dionne, Kimberley  
Fields, Dennis  
Goulet, Maurice  
Hallyburton, Margaret  
Holden, Randolph  
Kerns, J Edward  
Laflamme, Charles  
Lessard, Rudy  
Milligan, Robert  
O'Brien, Lori  
Pepino, Leo  
Ross, Lawrence  
Stepanek, Stephen  
Wheeler, James

Arnold, Thomas Jr  
Batula, Peter  
Brassard, Paul  
Buhlman, David  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Graham, John  
Hansen, Ryan  
Irwin, Anne-Marie  
Konys, Christine  
Lasky, Bette  
Malloy, Chris  
Mooney, Maureen  
Ober, Russell III  
Pilotte, Maurice  
Rowe, Robert  
Sullivan, Francis  
Wheeler, Robert

Balboni, Michael  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Christiansen, Lars  
Craig, James  
Elliott, Larry  
Gargas, Carolyn  
Greenberg, Gary  
Hawkins, Ken  
Jasper, Shawn  
Kurk, Neal  
Lawrence, James  
Mercer, Robert  
Moran, Edward  
Pappas, Christopher  
Price, Pamela  
Slocum, Lee  
Tahir, Saghir

Baroody, Benjamin  
Bergin, Peter  
Bruno, Pierre  
Carter, Jeffrey  
Clayton, William  
Desmarais, Vivian  
Emerton, Larry  
Gorman, Mary  
Hall, Charles  
Haytayan, Harry Jr  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Reeves, Sandra  
Spiess, Paul  
Vaillancourt, Steve

## MERRIMACK

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
Foley, Albert  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Oliver, James  
Potter, Frances

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Maxfield, Roy  
Ouellette, Robert  
Reardon, Tara

Bouchard, Candace  
Currier, David  
Dunne, Christopher  
French, Barbara  
Hess, David  
Leber, William  
McCormick, Tom  
Owen, Derek  
Reed, Dennis

Brueggemann, Donald  
Davis, Frank  
Field, William  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Nutter, Edward  
Perkins, Randy  
Wallner, Mary Jane

## ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Dodge, Robert  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Ingram, Russell

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Davidson, Robert  
Doyle, Christopher  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert

Bicknell, Elbert  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Johnson, Robert

Blanchard, MaryAnn  
Casey, Kimberley  
Corbin, Corey  
DiFruscia, Anthony  
Dupuis, Roland  
Gilbert, Jeffrey  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Rogers

Katsakiores, George  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Splaine, James  
Vallone, Matthew  
Weyler, Kenneth

Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Pantelakos, Laura  
Rausch, James  
Scamman, Stella  
Stone, Joseph  
Varrell, Thomas  
Wiley, Robert

Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Pitts, Jacqueline  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
O'Neil, Michael  
Priestley, Anne  
Roessner, Kurt  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Zolla, William

### STRAFFORD

Bemis, Alan  
Campbell, W Packy  
Easson, Timothy  
Johnson, Nancy  
Newton, Clifford  
Scott, David  
Twombly, James

Berube, Roger  
Cataldo, Sam  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Woods, Phyllis

Bickford, David  
Creteau, Irene  
Harrington, Michael  
Knowles, William  
Rous, Emma  
Spang, Judith

Brown, Julie  
Dunlap, Patricia  
Hofemann, Roland  
Musler, George  
Schmidt, Peter  
Taylor, Kathleen

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra  
Rodeschin, Beverly

Ferland, Brenda  
Jones, Constance

### SULLIVAN

### NAYS 52

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Richardson, Barbara

Weed, Charles

### COOS

None

### GRAFTON

Diamond, Estelle

Hammond, Lee

Naro, Debra

### HILLSBOROUGH

Adams, Jarvis  
Chabot, Robert  
Ford, Nancy  
Hinkle, Peyton  
Kudalis, Debra  
McHugh, Claire  
Souza, Kathleen

Artz, Lawrence  
Cote, David  
Gibson, John  
Hopper, Gary  
LaFlamme, Paul  
McRae, Karen  
Sullivan, Peter

Bergeron, Jean-Guy  
Cote, Peter  
Gonzalez, Carlos  
Jean, Claudette  
Lefebvre, Roland  
Mosesian, Lori  
Sweeney, Cynthia

Cernota, Albert  
Crane, Elenore Casey  
Harrington, Paul  
Kopka, Angeline  
McElroy, Henry Jr  
Scanlon, Michael

Kennedy, Richard  
Seldin, Gloria

Marple, Richard  
Soltani, Tony

Osborne, Jessie

Rush, Deanna

Bishop, Franklin  
Waterhouse, Kevin

Cady, Harriet  
Weldy, Norman Jr

Flayhan, Mary Lou

Quandt, Matthew

Albert, Russell  
Vachon, Dennis

Heon, Richard  
Wall, Janet

Miller, Joseph

Rollo, Deanna

### SULLIVAN

Donovan, Thomas  
and the committee report was adopted.

Franklin, Peter



**HB 609-FN-A**, relative to public interest payphones. **INEXPEDIENT TO LEGISLATE**

Rep. Elenore Casey Crane for Science, Technology and Energy: The committee recognizes the intent of the sponsors and concern of the community in areas where cell phone service is limited, and there is great reliance on public pay phones. However, it was suggested during discussions in committee that it may be dealt with on the local level as it provides, in some cases, an outlet for emergency services in those communities. The bill dealt mainly with a pay phone that was removed from a popular Acworth store. While there are concerns about the rising number of payphones being removed, a committee studying Public Interest Telephones (PIP's) found only five statewide, thus a statewide surcharge at this time was found inexpedient. Vote 12-2.

Rep. Gorman spoke against.

Rep. Thomas spoke in favor and yielded to questions.

On a division vote, 246 members having voted in the affirmative and 111 in the negative, the committee report was adopted.

**HB 611-FN-A**, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: A few adult adoptees were offended that the bill was being used as an excuse for a pro life stance. If they were truly inspired for adoption, the plate would make the statement choose adoption not choose life. If the state is forced to provide a political forum for one group through the license plate then all groups have to be given the same opportunity. However offensive statements sound, they are a reality to demanding the Department of Safety, who actually owns these plates, to be the sponsor of a political message. The bill also states that no money goes for administrative fees. Isn't the state entitled to those fees if they collect and distribute the funds? The DOS estimates if they issue 5,000 special plates it costs \$97,500.00. Other states that have a population closest to New Hampshire's have seen very little financially coming in. In NH the conservation and veterans plates are slowly selling. People will more likely not be purchasing another special plate. The financial aspect of the bill divided the money 60% to agencies and centers for women in crisis pregnancies, 40% to agencies and centers for expenses, counseling, training and advertising. No money goes to any agency or center that even talks about abortion; unfair because clinics do tell women adoption is an option. Millions of children in the United States sit in foster homes because of neglect, abandonment and abuse, waiting to be adopted or even placed in a foster home. As was clearly stated, if this is about adoption, the plate should say choose adoption, not choose life, but both are political statements. This is not something the committee wants to do to force the DOS to make a political statement regardless of our beliefs. It was suggested that the people would be better served if the money were donated to an agency or center of their choice, better yet become a foster parent. Vote 15-0.

Reps. Souza and Gonzalez spoke against.

Rep. Packard spoke in favor.

Rep. Souza requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 304 NAYS 48****YEAS 304****BELKNAP**

Allen, Janet	Bartlett, Gordon	Clark, Charles	Dewhirst, Glenn
Fitzgerald, James	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Russell, David	Whalley, Michael	

**CARROLL**

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Fish, Douglas	Liebl, George

Meador, David  
Pratt, John  
Slack, Pamela  
Weed, Charles

Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

Pratt, Irene  
Royce, H Charles  
Webber, Amy

### COOS

Guay, Lawrence  
Pratt, Leighton  
Woodward, David

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Theberge, Robert

Poulin, Richard  
Tholl, John Jr

### GRAFTON

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle  
Giuda, Robert  
Naro, Debra  
Solomon, Peter

Alger, John  
Bleyler, Ruth  
Dorsett, Andrew  
Hammond, Lee  
Nordgren, Sharon  
Sorg, Gregory

Almy, Susan  
Cooney, Mary  
Dudley, Terri  
Ingbretson, Paul  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Densmore, Edward  
Gionet, Edmond  
Maybeck, Margie  
Sokol, Hilda

### HILLSBOROUGH

Arnold, Thomas Jr  
Beaton, William  
Buckley, Raymond  
Chabot, Robert  
Cote, David  
Crane, Elenore Casey  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Holden, Randolph  
Jean, Claudette  
Kopka, Angeline  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Pappas, Christopher  
Ross, Lawrence  
Spiess, Paul  
Sweeney, Cynthia

Artz, Lawrence  
Bergeron, Jean-Guy  
Carlson, Donald  
Christensen, D L Chris  
Cote, Peter  
Desmarais, Vivian  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Hopper, Gary  
Johnson, Lionel  
Kudalis, Debra  
Lasky, Bette  
Malloy, Chris  
Messier, Irene  
Movsesian, Lori  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, Robert

Baroody, Benjamin  
Bergin, Peter  
Carter, Mark  
Clayton, William  
Coughlin, Pamela  
Dionne, Kimberley  
Fields, Dennis  
Gibson, John  
Graham, John  
Hawkins, Ken  
Irwin, Anne-Marie  
Kerns, J Edward  
Kurk, Neal  
Lawrence, James  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Pilotte, Maurice  
Scanlon, Michael  
Sullivan, Francis

Barry, J Gail  
Bruno, Pierre  
Cernota, Albert  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Greenberg, Gary  
Haytayan, Harry Jr  
Jasper, Shawn  
Konys, Christine  
Laflamme, Charles  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Ober, Russell III  
Price, Pamela  
Shaw, Barbara  
Sullivan, Peter

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James  
Perkins, Randy  
Rush, Deanna

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
French, Barbara  
Hess, David  
Leber, William  
Maxfield, Roy  
Osborne, Jessie  
Potter, Frances  
Seldin, Gloria

Bouchard, Candace  
Currier, David  
Dunne, Christopher  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
McCormick, Tom  
Ouellette, Robert  
Reardon, Tara  
Wallner, Mary Jane

Brueggemann, Donald  
Davis, Frank  
Foley, Albert  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Nutter, Edward  
Owen, Derek  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Doyle, Christopher  
Francoeur, Sheila

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Davidson, Robert  
Dupuis, Roland  
Gilbert, Jeffrey

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gillick, Thomas

Blanchard, MaryAnn  
Casey, Kimberley  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John

Gould, Kenneth  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Pantelakos, Laura  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Roessner, Kurt  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Zolla, William

Headd, James  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Ruffner, Walter  
Splaine, James  
Vallone, Matthew  
Weldy, Norman Jr

Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Scamman, Stella  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

Bemis, Alan  
Cataldo, Sam  
Harrington, Michael  
Keans, Sandra  
Rous, Emma  
Spang, Judith

Berube, Roger  
Creteau, Irene  
Heon, Richard  
Knowles, William  
Schmidt, Peter  
Taylor, Kathleen

Bickford, David  
Dunlap, Patricia  
Hofemann, Roland  
Musler, George  
Scott, David  
Vachon, Dennis

Brown, Julie  
Grassie, Anne  
Johnson, Nancy  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinizy, James

## STRAFFORD

## SULLIVAN

## NAYS 48

## BELKNAP

Ahern, Omer Jr  
Wendelboe, Fran

Boyce, Laurie

Flanders, Donald

Laflam, Robert

Derby, Mark

Laurent, John

None

Gilman, G Michael

## CARROLL

## CHESHIRE

## COOS

## GRAFTON

## HILLSBOROUGH

Adams, Jarvis  
Bouchard, David  
Carter, Jeffrey  
L'Heureux, Robert  
Reeves, Sandra  
Wheeler, James

Allen, Timothy  
Brassard, Paul  
Gonzalez, Carlos  
McHugh, Claire  
Slocum, Lee

Balboni, Michael  
Brundige, Robert  
Hansen, Ryan  
Mooney, Maureen  
Souza, Kathleen

Batula, Peter  
Buhlman, David  
Harrington, Paul  
Pepino, Leo  
Tahir, Saghir

Field, William

Kennedy, Richard

## MERRIMACK

## ROCKINGHAM

Bicknell, Elbert  
Flayhan, Mary Lou  
Putnam, Ed II

Cady, Harriet  
Hamel, Albert  
Quandt, Matthew

DiFruscia, Anthony  
Hughes, Daniel  
Waterhouse, Kevin

Dumaine, Dudley  
Noyes, Richard  
Wiley, Robert

Albert, Russell  
Woods, Phyllis

Easson, Timothy

Newton, Clifford

Twombly, James

## SULLIVAN

None  
and the committee report was adopted.

**HB 634-FN-L**, establishing a limit on the applicable tax rate for local school district taxes **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: This bill would limit municipalities from imposing local property taxes for support of local education at a rate at or below twice the equalized rate of the statewide education property tax. The Committee believes this would unduly interfere with municipalities' abilities to control their local education funding. Additionally, there were no alternative sources of revenue identified and implementation would not allow municipalities to address disparities created by different costs of their operations. Vote 18-0.

Adopted.

The House recessed at 12:20 p.m.

**RECESS****(Speaker Chandler in the Chair)**

The Speaker reconvened the House at 1:20 p.m.

**REGULAR CALENDAR PART II**

**CACR 6**, relating to the encouragement of literature. Providing that it shall be the duty of the legislators and magistrates to not hinder, impede or obstruct the interest of literature and the sciences. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The committee heard testimony on several CACR's concerning Article 83 of the second part of the New Hampshire Constitution. While all of the CACR's had some merit, the committee decided to retain CACR 2 and CACR 13 and to Inexpedient to Legislate CACR 6. Vote 17-0.

Adopted.

**HB 232**, repealing the one-year certificate of eligibility to teach. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: This bill would have repealed RSA 189:39-b relative to one-year certificate of eligibility to teach. The majority of the committee felt that the existing law, passed just last year, appeared to be working and that a repeal was not warranted. Vote 13-4.

Adopted.

**HB 405**, authorizing school districts to authorize a period of time for silent individual reflection in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. John Alger for Education: The majority of the committee feels this bill is not needed, since the law already provides for authorizing the pledge of allegiance (RSA 194:15-c) and a period of silent reflection (RSA 189:1-b). This piece of law was amended last year to its current form through passage of an earlier bill. Vote 16-1.

Adopted.

**HB 202-FN**, establishing an independent legislative redistricting commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bernard J. Luebker for the Majority of Election Law: This bill would establish an independent legislative redistricting commission to prepare apportionment for the representatives and senators following each decennial census. The committee felt that this legislature should not bind a future legislature as to process. It further felt the representatives and senators would most likely prefer to do their own apportionment in their own way and at their own speed. Vote 10-6.

Rep. Charles F. Weed for the Minority of Election Law: An independent redistricting commission would remove the rancorous partisanship evident following the last decennial census. It would optimize the effectiveness that no district would be drawn for the purpose of favoring a political party, an incumbent, or any other group. Such a commission was to be established following the 2010 census.

Majority report adopted.

**HB 745**, relative to voters presenting identification to obtain a ballot. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Whalley for the Majority of Election Law: This bill permits municipalities to require that voters present identification or sign an affidavit to obtain a ballot. The bill identifies

a New Hampshire driver's license, armed services identification card, United States passport, or any other form of photographic identification as appropriate identification. When a municipality determines this is necessary for their community, all voters will be treated in the same manner. Vote 11-6.

Rep. Jane A. Clemons for the Minority of Election Law: This bill allows the legislative body of a municipality to adopt different procedures for elections. Some municipalities may require voters to offer photo identification while others will not. The minority believes voting procedures and laws in this state should be uniform. The minority also feels there is no voter registration fraud on the radar screen in New Hampshire that would indicate the need for this form of ID, especially as there are some people that do not have a driver's license, passport, or armed services ID card. This would be discrimination.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

## YEAS 212 NAYS 94

### YEAS 212

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald
Holbrook, Robert	Laflam, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			

### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Royce, H Charles	Smith, Edwin	

### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Woodward, David	

### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Naro, Debra
Sorg, Gregory			

### HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Balboni, Michael
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Brundige, Robert	Bruno, Pierre
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Christensen, D L Chris	Coughlin, Pamela	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Hawkins, Ken	Haytayan, Harry Jr	Hopper, Gary
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lessard, Rudy	Luebkert, Bernard	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mooney, Maureen	Moran, Edward	Mosher, William
O'Brien, Lori	Ober, Russell III	Pepino, Leo	Price, Pamela

Reeves, Sandra  
Souza, Kathleen  
Tahir, Saghir

Rowe, Robert  
Spiess, Paul  
Wheeler, James

Scanlon, Michael  
Stepanek, Stephen

Slocum, Lee  
Sweeney, Cynthia

### MERRIMACK

Anderson, Eric  
Field, William  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Blanchard, Elizabeth  
Fraser, Leo Jr  
Leber, William  
Maxfield, Roy  
Reed, Dennis

Colcord, J D  
Hess, David  
Lockwood, Priscilla  
McCormick, Tom

Currier, David  
Kenison, Leon  
MacKay, James  
Nutter, Edward

### ROCKINGHAM

Allen, Mary  
Cady, Harriet  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Johnson, Robert  
Kobel, Rudolph  
McCann, Richard  
O'Neil, Michael  
Roessner, Kurt  
Stone, Joseph  
Weare, E Albert  
Wiley, Robert

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flayhan, Mary Lou  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
McMahon, Charles  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald  
Welch, David  
Winchell, George

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Langone, John  
Morris, Richard  
Putnam, Ed II  
Scamman, Stella  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Dupuis, Roland  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Kelley, Jane  
Major, Norman  
Noyes, Richard  
Rausch, James  
Smith, Donald  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Easson, Timothy  
Woods, Phyllis

Cataldo, Sam  
Keans, Sandra

Creteau, Irene  
Musler, George

Dunlap, Patricia  
Twombly, James

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 94

### BELKNAP

None

### CARROLL

Hatch, Paul

### CHESHIRE

Allen, Peter  
Mitchell, McKim  
Slack, Pamela

Batchelder, Robert  
Parkhurst, Henry  
Tilton, Anna

Eaton, Daniel  
Pratt, Irene  
Webber, Amy

Espiefs, Peter  
Richardson, Barbara  
Weed, Charles

### COOS

Poulin, Richard

### GRAFTON

Almy, Susan  
Densmore, Edward  
Scovner, Nancy

Benn, Bernard  
Diamond, Estelle  
Sokol, Hilda

Bleyler, Ruth  
Hammond, Lee  
Solomon, Peter

Cooney, Mary  
Nordgren, Sharon

### HILLSBOROUGH

Brassard, Paul  
Cote, Peter  
Jean, Claudette  
Kudalis, Debra  
Pilotte, Maurice  
Sullivan, Peter

Buckley, Raymond  
Gorman, Mary  
Johnson, Lionel  
Lefebvre, Roland  
Ross, Lawrence

Buhlman, David  
Graham, John  
Konys, Christine  
Movsesian, Lori  
Shaw, Barbara

Cote, David  
Irwin, Anne-Marie  
Kopka, Angeline  
Pappas, Christopher  
Sullivan, Francis

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	French, Barbara	Hamm, Christine	Jacobson, Alf
Oliver, James	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Rush, Deanna	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Hutchinson, Karen
McEachern, Paul	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	

**STRAFFORD**

Berube, Roger	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Knowles, William	Miller, Joseph	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Franklin, Peter	Harris, Joseph	Harris, Sandra	

and the majority report was adopted.

Ordered to third reading.

Reps. Clemons, Lasky and John Pratt did not vote and wish to be recorded against.

Rep. Artz did not vote and wish to be recorded in favor.

**HB 772-FN-L**, including undeveloped shoreline property in land granted tax relief under current use. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill would provide tax relief for many landowners of shorefront property by allowing them to enroll their land in current use. Today, by law, you must have 10 or more acres to enroll in current use. This would be a major shift in policy and would be a large loss of tax revenue for communities, resulting in a tax benefit for a few who own land on a waterbody. This was reported to be for the purpose of improving water quality, but no evidence was presented that this would not do anything that the shoreline protection act now does. Vote 9-6.

Adopted.

**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill would require those members purchasing creditable service in the system and anticipating medical benefits upon retirement to make a contribution to the medical sub trust also. In so doing those members already eligible for these benefits upon retirement as well as those already receiving them will not have the sub trust's original terminal funding depreciated sooner than planned for. Vote 17-0.

Adopted and ordered to third reading.

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Laflam for Fish and Game: This bill provides for reciprocity with Vermont for the taking of migratory game birds by both New Hampshire and Vermont's residents in a "zone" that includes dry land on both sides of the river as defined by recognizable boundaries such as highways. Vote 10-4.

**Amendment (0057h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Migratory Game Birds; Taking in Connecticut River Zone; Reciprocity. Amend RSA 209 by inserting after section 5 the following new section:

209:5-a Connecticut River Zone.

1. A person holding a Vermont resident hunting license which allows the taking of migratory waterfowl and coots, may take migratory game birds except woodcock and snipe, as provided in

RSA 209:5, from the Connecticut River zone, provided the state of Vermont grants the same right to a person holding a New Hampshire resident hunting license and waterfowl stamp which allows the taking of migratory game birds in the Connecticut River zone in Vermont pursuant to 10 VSA 4909.

II. The Connecticut River zone in New Hampshire shall include that portion of New Hampshire lying west of the line defined by New Hampshire Route 63 from the Massachusetts border north to Route 12; Route 12 north to Route 12-A; Route 12-A north to Route 10; Route 10 north to Route 135; Route 135 north to U.S. Route 3; U.S. Route 3 north to the intersection with the Connecticut River.

Adopted.

Report adopted and ordered to third reading.

**HB 788-FN-A, repealing the certificate of need law. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: The bill repeals the Certificate of Need (CON) board process which is the regulatory tool of the Health Services Planning and Review Board. The bill as amended creates a system that allows competition while protecting small hospitals and preventing an over supply of expensive new inpatient services or additional inpatient beds. The goal of the original CON process was to manage growth of health care Facilities State wide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has fallen short of this mission and has become protectionist of the existing structure at the expense of the New Hampshire health service consumer. Additionally, the committee found the CON process has less to do with the "quality" of care than it did with restricting the volume of choices available to citizens for care. The committee heard five hours of testimony both in support and opposition of the bill. It became apparent to the majority that the current system was restrictive and non-responsive to New Hampshire citizens. The amendment provides for the transfer of existing CON oversight to the Health and Human Services Office of Health, Planning and Medicare. Further, it provides improvements by instituting a review process of inpatient vs. outpatient care resulting in reduced bureaucracy, regulation and more efficient use of staff while guarding against over expansion of facilities in the state by certificate of review process. The committee agreed the bill, as amended, would provide for competition in the delivery and access to outpatient health services. The existing staff, relieved of the current over regulatory time drain, will be used to do more efficient long term health care planning and assessment as well as assuring improvements in quality of care issues. Based on consideration of the information received, the committee felt that the bill would help to ensure that all New Hampshire citizens have access to high quality, cost effective health care services. For years the Legislature has sought for oversight of this regulatory and planning process and this bill as amended allows for that. It also places inpatient and outpatient medical facilities on a level playing field, which is good for the citizens of New Hampshire. Vote 13-5.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: The bill repeals the Healthcare and Review Board (CON) which was designed to regulate growth costs and to avoid duplication of facilities and inpatient and outpatient medical services. Repealing the CON could lead to proliferation of costly facilities and major equipment. We firmly believe that healthcare is a service and not a business. Thus, we have great concern that private health providers may take the profitable services and leave the "money losers" to hospitals. In lieu of the certificate of need, this bill would replace it with a certificate of review establishing different procedures for inpatient and outpatient facilities.

**Majority Amendment (0489h)**

Amend the title of the bill by replacing it with the following:

AN ACT transferring the duties of the health services planning and review board.

Amend the bill by replacing all after the enacting clause with the following:

1 Certificate of Review. RSA 151-C is repealed and reenacted to read as follows:

**CHAPTER 151-C**

**CERTIFICATE OF REVIEW OF PROPOSED  
NEW INSTITUTIONAL HEALTH SERVICES**

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services.  
It is declared to be the public policy of this state that:



I. The general welfare and protection of the lives, health, and property of the people of this state require that all new inpatient institutional health services be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

151-C:2 Definitions. In this chapter:

I. "Ambulatory surgical facility" means a health care facility or a portion of a health care facility which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of review.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Business day" includes any day, Monday through Friday, except legal holidays.

V. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VI. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12-month period before the time such services would be offered.

VII. "Certificate of review" means a certificate issued by the state agency approving the offering or development of a proposed new inpatient institutional health service.

VIII. "Confidential commercial information" means any information filed either by a health care facility in an application for certificate of review or data disclosure under RSA 126:25 that contains either a trade secret or other commercial information:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party; (ii) other persons or entities with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) That would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

IX. "Confidential financial information" means any financial information filed by a health care facility in accordance with an application for certificate of review or data disclosure under RSA 126:25:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the health care facility; (ii) other persons or entities with which the health care facility is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the health care facility has applied for financing;

(b) That would, if revealed, substantially, predictably, and adversely affect the ability of the health care facility or its affiliated interests to obtain financing on reasonable terms in competition with others seeking similar types of capital; and

(c) That could lawfully be concealed under applicable laws governing financial transactions.

X. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization which adds inpatient beds or is with the intent to add a new inpatient institutional service.

XI. "Consumer of health care" means a person who is not a provider of health care.

XII. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XIII. "Days" means calendar days, unless otherwise specified.

XIV. "Health care facility" means hospitals, ambulatory surgical facilities, specialty hospitals and licensed nursing homes including all services and property owned by such. Health care facilities shall include facilities which are publicly or privately owned or for-profit or not-for-profit, and which are licensed or required to be licensed in whole or in part by the state.

XV. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVI. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XVII. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XVIII. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his or her own home.

XIX. "Hospital" means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XX. "Inpatient services" means all care delivered to patients staying more than 24 hours in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

XXI. "Institutional health service" means any proposed project for which a standard must be developed under RSA 151-C:5, II.

XXII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and office.

XXIII. "Location" means service area.

XXIV. "Major new facilities" means the construction, development, or other establishment of a new inpatient health care facility.

XXV. "Nursing home or facility" means a place which shall provide, for 2 or more persons, basic domiciliary services (office, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVI. "Office" means the office of planning and research, department of health and human services.

XXVII. "To offer", when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay in excess of 24 hours from time of admission in a health care facility.

XXIX. "Person" means an individual, trust, state, partnership, committee, corporation, non-profit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXXI. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing office of an entity described in subparagraph (c)(2) or (c)(4).

XXXII. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Review" means the review of applications submitted in response to a request for application published by the office.

XXXVI. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVII. "Standard" means a health policy guideline developed by the office and instituted under the provisions of RSA 541-A.

151-C:3 Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to an inpatient health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

151-C:4 Prohibitions.

I. No new inpatient institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new inpatient institutional health service be made, except pursuant to obtaining a certificate of review for such service.

II. No certificate of review shall be granted by the office unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

III.(a) No certificate of review shall be granted by the office for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, 2003, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

(b) No certificate of review shall be granted by the office for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.

IV. Any applications for certificates of review for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

V. The office shall apply the revised standard of review to any suspended pending applications.

#### 151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the office shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for applications (RFA's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the office shall publish a revised description thereof, as provided in this paragraph.

II. The office shall develop standards for new inpatient institutional health services. These include the following:

(a) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(b) The development and offering of new inpatient services;

(c) The increase or conversion of inpatient beds resulting in an increase of more than 10 beds or 10 percent of the total bed complement, whichever is less, during a 2-year period;

(d) A threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The office shall determine by rule the service areas of such hospitals.

III. The office shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of all the standards and public hearings relative to the standards. The office shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

#### 151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the office.

(b) Within 30 days of the receipt of the request, the office must notify, in writing, the person making the request of the commencement of the 120-day standard review process or that the proposed project is not in accordance with RSA 151-C:5, II, and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The office shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

(e) If the office does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

II. In the case of a service for which there is no standard, any person may request, in writing, that the office develop a standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the office.

(b) Within 30 days of the receipt of the request, the office shall notify, in writing, the person making the request of the commencement of the 120-day standard development process or that the service is not in accordance with RSA 151-C:5, II, and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The office shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the office shall be considered a final decision.

(f) If the office does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

III. In any standards for nursing facilities, the office shall provide that priority for a certificate of review for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of review for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of review.

151-C:7 Criteria. Every standard developed by the office shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, persons with a disability and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Review.

I. If a standard developed through RSA 151-C:5 or 151-C:6 indicates a need for additional health services, the office shall issue a request for applications. The office shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the office is requesting applications for certificates of review for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The office shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall contain such information as the office adopts by rule. The office shall not require any information which it has not adopted by rule. The information requirements established by the office may vary according to the purpose of the review or the type of health service being reviewed. In addition to the information required for submission to the office, any applicant may submit, and the office shall duly consider, any other information.

V.(a) The office shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the office, it shall notify the applicant by certified mail within 15 business days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the office within the 15 business days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The office shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the office shall mail the applicant a notification within 10 business days of receipt of the additional information. If no such notification is mailed to the applicant by the office within the 10 business days' period, the application shall be considered complete. Within 5 business days of the receipt of any information submitted pursuant to the second completeness notice, the office shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by certified mail, within 5 business days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the office notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The state agency shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 10 business days of completion of the completeness review under paragraph V of this section, the office shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The office shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun and the proposed schedule for review by the office.

(b) For purposes of this paragraph, "affected persons" include organizations of health care providers and organizations of health care consumers, as defined by the office by rules adopted pursuant to RSA 541-A, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons shall be by mail and notification to members of the public shall be by newspaper. Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.

(c) If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the office, defeat any jurisdiction of the office, or adversely affect the regularity of any proceedings before the office.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the office.

VIII. The office shall establish review schedules which provide that no review by the office shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the office. In accordance with the requirements of RSA 151-C:11, the office shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the agency may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90-day period. The total review period for certificate of review shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the office shall provide for access by the general public to all applications reviewed by the office and to all other written materials pertinent to office review.

X. The office shall provide in its review procedures for a public hearing. The office shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed project, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The office shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of review, the office shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the office, the applicant may file a request to amend the application only during the 45 days after the date of notification of the beginning of review. If the office grants the applicant's request, the application shall be filed 30 days after the office's approval. The office shall examine the amended application for form and completeness, for information required in RSA 151-C:7, and for conformity to all applicable standards in the request for applications. If an application is determined incomplete, the office shall notify the applicant by certified mail within 10 business days of receipt of the amended application. The applicant whose application is incomplete shall be allowed a maximum of 10 business days from the date of receipt of the office's notification of incompleteness to provide the required additional information. The amended application shall then be considered complete and processed in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the office, an applicant shall be required by the office to file an amendment of the application when any supporting documentation or other material submitted to the office by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The office may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with subparagraph (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the office or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the office to be competing.

151-C:9 Decision Regarding Certificate of Review; Issuance of Certificate of Review; Reconsideration.

I. Upon completion of the review, the office shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of review shall be in conformance with the standard used as the basis for the request for application.

II. The office shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. If the office fails to issue a final decision within the time period specified for the review, a certificate of review shall be denied. The applicant may either request a reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the office to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the office. The office shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of review, shall be good cause if it:

(1) Presents significant, relevant information not previously considered by the office;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the office in reaching its decision;

(3) Demonstrates that the office has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the office determines constitutes good cause.

(b) To be effective, a request for a reconsideration hearing shall be received by the office within 20 business days following the date of the office's decision. If granted, the hearing shall commence within 30 calendar days of receipt of the request. The applicant may waive the 30-day requirement. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 25 business days after the conclusion of the hearing, the office shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the office.

#### 151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of review, if aggrieved or dissatisfied with the decision of the office, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the office is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the office unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

#### 151-C:11 Additional Rules.

I. The office shall adopt rules governing review of certificate of review applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control.

II. At least 45 days prior to adopting any rule, the office shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of review applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notice section of such newspapers; in addition, notice may be given through other public information channels.

#### 151-C:12 Validity of Certificates of Review; Compliance; Sanctions.

I. A certificate of review issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The office's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of review under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been commenced or completed within such period, the office's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:



(a) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$ 1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of review.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of review.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the office may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the project, the office shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the project, the office shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The applicant has submitted to the office a certified copy of a written agreement executed between the applicant and a registered general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications; or

(b) The applicant has submitted evidence to the office that there has been construction work on the project to justify and require a progress payment by the applicant to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved proposed project is sufficiently complete so that it becomes operational for the purpose for which the certificate of review was issued. A certificate of review shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of review granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

IV-a.(a) Prior to completion of the proposed project, the office may require any applicant to file a change of scope when any documentation or other material submitted to the office indicates that:

(1) The nature, scope, or location of the project will differ substantially in the opinion of the office from those described in the application.

(2) The method of financing will differ substantially because the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(b) The office may waive the requirements of subparagraph (a)(1), (2) or (3), if it is determined that the proposed change in scope of the project is technical or otherwise insignificant.

V. All applicants receiving a certificate of review or a certificate of review with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of review. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in its certificate of review application or with the conditions of the certificate of review shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this section shall be deposited in the general fund.

**151-C:13 Exemptions.****I. The following are excluded from this chapter:**

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis.

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours.

(c) Infirmarys owned or operated by education institutions.

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination.

(e) Facilities and services which are intended to serve only outpatients.

(f) Hospice houses.

(g) The increase or conversion of 9 beds or fewer or less than 10 percent of the bed complement, whichever is less.

**II. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.**

**151-C:14 Enforcement.**

**I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of review as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:**

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of review issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of review, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the office or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the office, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

**151-C:15 Fees.**

**I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$500,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments.**

**II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.**

**III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the office determines that a standard review or a standard development process shall occur.**

IV. Funds collected under this section shall be deposited in the general fund.

2 Transfer of Functions, Powers, Duties and Staff. All functions, powers, duties and staff of the health services planning and review board are hereby transferred to the office of planning and research, department of health and human services.

3 Reference Change. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers, including ambulatory care facilities, licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the office of planning and research, department of health and human services. This plan shall be submitted to the commissioner of health and human services by December 1, 1990.

4 Data Review; Reference Change. Amend RSA 126:26 to read as follows:

126:26 Data Review. The department of health and human services shall provide access, without restriction, to the data collected under RSA 126:25 to the ~~[health services planning and review board]~~ *office of planning and research*. The department shall prepare a report on or before November 15, 1996, and annually thereafter, to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The department of health and human services is also authorized to prepare periodic reports on price and utilization of health services for the purpose of encouraging competition.

5 Reference Change. Amend RSA 153-A:2, IX to read as follows:

XI. "Facility" means a hospital as defined in RSA 151-C:2, ~~[XX]~~ XIX.

6 Reference Change. Amend RSA 161-J:2, II(d) to read as follows:

(d) A hospital as defined in RSA 151-C:2, ~~[XX]~~ XIX.

7 Reference Change. Amend RSA 195-D:3, XII to read as follows:

XII. "Nursing home," notwithstanding any other provision of law to the contrary, means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire, and in whole or in part is, or shall be upon completion, (a) licensed as a residential care facility under RSA 151:2, I(e) or (b) can be upon receipt of a certificate of ~~[need]~~ review under RSA 151-C licensed as a nursing home under the laws of New Hampshire.

8 Reference Changes. Amend RSA 281-A:2, XII-b to read as follows:

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, ~~[XVIII]~~ XVI, health care facilities as defined in RSA 151-C:2, ~~[XV-a]~~ XIV, and health maintenance organizations as defined in RSA 151-C:2, ~~[XVI]~~ XV.

9 Reference Change. Amend RSA 318:29, XI to read as follows:

XI. "Facility" means a hospital as defined in RSA 151-C:2, ~~[XX]~~ XIX.

10 Reference Changes. Amend the introductory paragraph of RSA 326-B:17, IX(a) to read as follows:

(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, ~~[XIX-b]~~ XVIII and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of health and human services who:

11 Reference Change. Amend RSA 508:18, II to read as follows:

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, ~~[XV-a]~~ XIV.

12 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the office of planning and research, department of health and human services. The bill increases the standard amounts for which a review is necessary.

Rep. Sokol requested that the Permanent Journal indicate Inexpedient to Legislate as the minority report.

The Speaker so ordered.

Majority amendment adopted.

Rep. Sokol spoke against.

Reps. McMahon and Price spoke in favor.

Reps. Miller spoke against and yielded to questions.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 233 NAYS 122

### YEAS 233

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Lawton, David  
Thomas, John

Allen, Janet  
Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Fitzgerald, James  
Pilliod, James  
Whalley, Michael

Boyce, Laurie  
Laflam, Robert  
Russell, David

#### CARROLL

Babson, David Jr  
McConkey, Mark  
Patten, Betsey

Brown, Carolyn  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

Hatch, Paul  
Olimpio, J Lisbeth

#### CHESHIRE

Dexter, Judson  
Liebl, George  
Smith, Edwin

Fish, Douglas  
Pratt, John

Hunt, John  
Richardson, Barbara

Laurent, John  
Royce, H Charles

#### COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Richardson, Herbert

#### GRAFTON

Barker, Robert  
Giuda, Robert  
Sorg, Gregory

Dorsett, Andrew  
Ingbreton, Paul  
Williams, Burton

Gilman, G Michael  
Maybeck, Margie

Gionet, Edmond  
Naro, Debra

#### HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Cernota, Albert  
Coughlin, Pamela  
Emerton, Larry  
Gibson, John  
Graham, John  
Hansen, Ryan  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Scanlon, Michael  
Stepanek, Stephen

Allen, Timothy  
Barry, J Gail  
Bergin, Peter  
Buhlman, David  
Chabot, Robert  
Crane, Elenore Casey  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Hopper, Gary  
Lafamme, Charles  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Slocum, Lee  
Tahir, Saghir

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Carlson, Donald  
Christensen, D L Chris  
Desmarais, Vivian  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr  
Messier, Irene  
Ober, Russell III  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, James

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Carter, Jeffrey  
Christiansen, Lars  
Dokmo, Cynthia  
Gargas, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Hinkle, Peyton  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Wheeler, Robert

#### MERRIMACK

Anderson, Eric  
Field, William  
Kenison, Leon

Blanchard, Elizabeth  
Foley, Albert  
Kennedy, Richard

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen

Currier, David  
Jacobson, Alf  
Leber, William

Lockwood, Priscilla  
McCormick, Tom  
Soltani, Tony

MacKay, James  
Nutter, Edward

Marple, Richard  
Oliver, James

Maxfield, Roy  
Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Dupuis, Roland  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Pitts, Jacqueline  
Rausch, James  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Winchell, George

Bicknell, Elbert  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Noyes, Richard  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Scott, David

Bickford, David  
Easson, Timothy  
Taylor, Kathleen

Brown, Julie  
Musler, George  
Twombly, James

Campbell, W Packy  
Newton, Clifford  
Woods, Phyllis

### SULLIVAN

Donovan, Thomas  
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

Leone, Richard

### NAYS 122

### BELKNAP

Flanders, Donald

Holbrook, Robert

### CARROLL

Derby, Mark

Kenney, Bettie

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, Irene  
Webber, Amy

Batchelder, Robert  
Meader, David  
Robertson, Timothy  
Weed, Charles

Dunn, James  
Mitchell, McKim  
Slack, Pamela

Eaton, Daniel  
Parkhurst, Henry  
Tilton, Anna

### COOS

King, Frederick

Mears, Edgar

Poulin, Richard

Theberge, Robert

### GRAFTON

Akins, Ralph  
Bleyler, Ruth  
Dudley, Terri  
Scovner, Nancy

Alger, John  
Cooney, Mary  
Ham, Bonnie  
Sokol, Hilda

Almy, Susan  
Densmore, Edward  
Hammond, Lee  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon

### HILLSBOROUGH

Baroody, Benjamin  
Clayton, William  
Craig, James  
Gorman, Mary  
Johnson, Lionel

Brassard, Paul  
Clemons, Jane  
Dionne, Kimberley  
Hawkins, Ken  
Kony's, Christine

Buckley, Raymond  
Cote, David  
Elliott, Larry  
Irwin, Anne-Marie  
Kopka, Angeline

Carter, Mark  
Cote, Peter  
Ford, Nancy  
Jean, Claudette  
Lasky, Bette

Leach, Edward  
O'Brien, Lori  
Shaw, Barbara

Lefebvre, Roland  
Pappas, Christopher  
Sullivan, Francis

Malloy, Chris  
Pilotte, Maurice  
Sullivan, Peter

Movsesian, Lori  
Ross, Lawrence  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
DeJoie, John  
Hamm, Christine  
Potter, Frances  
Wallner, Mary Jane

Brueggemann, Donald  
DeStefano, Stephen  
Osborne, Jessie  
Reed, Dennis

Clarke, Claire  
French, Barbara  
Owen, Derek  
Rush, Deanna

Davis, Frank  
Gile, Mary  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Gillick, Thomas  
Shultis, Elizabeth

Casey, Kimberley  
Norelli, Terie  
Vallone, Matthew

Coes, Betsy  
Pantelakos, Laura

Davidson, Robert  
Scamman, Stella

### STRAFFORD

Berube, Roger  
Heon, Richard  
Knowles, William  
Rous, Emma  
Taylor, Katherine

Creteau, Irene  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Spang, Judith

### SULLIVAN

Allison, David  
Harris, Joseph

Burling, Peter  
Harris, Sandra

Cloutier, John  
Phinzy, James

Ferland, Brenda

and the majority report was adopted.  
Referred to Finance.

**HB 149**, relative to patient rights and disclosures in quality assurance programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**  
Rep. Robert H. Rowe for the Majority of Judiciary: The purpose of this bill is to provide the patient with full information as to his or her condition and totally protects the present quality assurance program. The underlying issue brought by the original bill was that patients are not receiving information relating to the cause or contributing cause of the patient's injury or death. The committee was sympathetic with the sponsor's goals but believed that the goal of patient disclosure can be best served by amending the Patient's Bill of Rights under RSA 151:21. Vote 12-7.  
Rep. Gregory M. Sorg for the Minority of Judiciary: While the minority of the committee agrees with the majority that a patient has a right to full disclosure, it also believes that the amendment to this bill adopted by the majority, which essentially replaced the original bill, was so materially different from it as to require a new public hearing to consider additional testimony that might have brought to light possible unintended consequences and give the committee an opportunity to ask questions addressing them.

### Majority Amendment (0577h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to patient rights and disclosures.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Patients' Bill of Rights; Disclosures Required. Amend RSA 151:21 by inserting after paragraph XX the following new paragraph:

XXI. The patient shall be entitled to know the cause or contributing cause of a patient injury. Such information shall be disclosed promptly to the patient or the patient's representative and shall be documented on the patient's record or chart.

2 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

This bill requires that the cause or contributing cause of patient injury shall be disclosed to the patient or the patient's representative and documented on the patient's record or chart.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority. OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill makes various corrections to the statute that governs the Pease Development Authority, Division of Ports and Harbors that will improve the operation of our ports and harbors. Since the reorganization of the old Port Authority into the Pease Development Authority, Division of Ports and Harbors in 2001, the PDA has experienced some areas in the statutes that need improvement to reflect the new organization and operations. Some changes include standardizing the terminology, providing for law enforcement training and responsibility for Chief and Assistant Chief Harbor Master, and provides for rulemaking authority for PDA for certain fees charged at the Ports and Harbors. This bill will have a positive effect on the efficient and improved operation of the Port and Harbors. Vote 14-2.

**Amendment (0354h)**

Amend RSA 12-G:2, XXII-a as inserted by section 3 of the bill by replacing it with the following:

XXII-a. "Slip" means a volume of water at least 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high tide and located adjacent to a structure such as a dock, wharf, or pier to which a vessel may be secured.

Amend RSA 12-G:42, IV and V as inserted by section 10 of the bill by replacing them with the following:

IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority acting through the division, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. Such contract with an operating firm shall include the following provisions:

(a) Said firm shall file with the division for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor;

(b) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore;

(c) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection;

(d) Said firm to supply a ship's manifest for every vessel using said facilities;

(e) Said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority;

(f) Said firm to file quarterly reports with the division indicating the amount of all fees for which it is accountable to the authority, the amounts collected, and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually;

(g) Such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.

*V. Be authorized and empowered, in lieu of the provisions set forth in paragraph IV, to undertake the business of a port terminal operator and stevedore as to any division property, including but not limited to the handling of cargo, the setting and collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. In undertaking the business of a port terminal operator or stevedore on any division property the authority may exercise any of the powers granted it under this chapter. Notwithstanding any other provision of this chapter, any person granted by the authority a non-exclusive lease or license relative to division property who, pursuant to such lease or license, handles or manages or in any way participates in the handling or management, including but not limited to, the loading, unloading, stockpiling, storing, or other transfer, of cargo owned,*

*controlled, or otherwise lawfully in the possession of or being delivered to or from any such non-exclusive lessee or licensee shall not be deemed to be operating the business of a port terminal operator and stevedore as set forth in paragraph IV.*

Amend the bill by replacing section 17 with the following:

17 Pease Development Authority; Construction with Other Laws. Amend RSA 12-G:53, III - IV to read as follows:

III. Except for rules adopted pursuant to RSA 12-G:42, ~~[VIII]~~ **X, which shall be subject to the provisions of RSA 541-A:3 through RSA 541-A:15**, the authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures, **including, but not limited to, rules regulating the conduct of hearings**. Except for rules adopted pursuant to RSA 12-G:42, ~~[VIII]~~ **X**, the authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

IV. Any rule adopted by the authority pursuant to ~~[RSA 12-G:42, VIII or]~~ RSA 12-G:47 shall be adopted in accordance with the provisions of RSA 541-A; **any rule adopted by the authority pursuant to RSA 12-G:42, X shall be adopted in accordance with the provisions of RSA 541-A:3 through RSA 541-A:15.**

Amend the bill by replacing all after section 18 with the following:

19 Administrative Procedure Act; Exemption of the Pease Development Authority. Amend RSA 541-A:21, I(n) to read as follows:

(n) Except for rules adopted by the **authority acting through the** division of ports and harbors **under RSA 12-G:42, X, which shall be subject to the provisions of RSA 541-A:3 through RSA 541-A:15**, RSA 12-G, relative to the Pease development authority.

20 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Pantelakos spoke against.

Rep. Leber spoke in favor.

Rep. Pantelakos requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 234 NAYS 109

### YEAS 234 BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Lafam, Robert  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

### CARROLL

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

### CHESHIRE

Dexter, Judson  
Laurent, John  
Smith, Edwin

Eaton, Daniel  
Liebl, George

Fish, Douglas  
Meader, David

Hunt, John  
Royce, H Charles

### COOS

Brady, Mark  
Stohl, Eric

King, Frederick  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

Richardson, Herbert  
Woodward, David

### GRAFTON

Akins, Ralph  
Diamond, Estelle  
Giuda, Robert  
Sorg, Gregory

Alger, John  
Dorsett, Andrew  
Ingbertson, Paul  
Williams, Burton

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Benn, Bernard  
Gionet, Edmond  
Naro, Debra



**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Elliott, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hall, Charles	Hallyburton, Margaret	Harrington, Paul	Hawkins, Ken
Haytayan, Harry Jr	Hinkle, Peyton	Hopper, Gary	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul
Lawrence, James	Leach, Edward	Lessard, Rudy	Luebker, Bernard
Malloy, Chris	McElroy, Henry Jr	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Scanlon, Michael
Slocum, Lee	Spieß, Paul	Stepanek, Stephen	Tahir, Saghir
Wheeler, James	Wheeler, Robert		

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Colcord, J D	Currier, David	Field, William	Foley, Albert
Fraser, Leo Jr	Jacobson, Alf	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Oliver, James	Reed, Dennis	Soltani, Tony	

**ROCKINGHAM**

Belanger, Ronald	Bicknell, Elbert	Camm, Kevin	Carson, Sharon
Clark, Vivian	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dumaine, Dudley	Dupuis, Roland
Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Hughes, Daniel	Ingram, Russell
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langone, John	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Stone, Joseph	Sritch, C Donald
Tufts, J Arthur	Vallone, Matthew	Waterhouse, Kevin	Welch, David
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

**STRAFFORD**

Albert, Russell	Bickford, David	Brown, Julie	Cataldo, Sam
Easson, Timothy	Johnson, Nancy	Knowles, William	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Rodeschin, Beverly

**NAYS 109****BELKNAP**

None

**CARROLL**

Babson, David Jr

**CHESHIRE**

Allen, Peter  
 Mitchell, McKim  
 Richardson, Barbara  
 Weed, Charles

Batchelder, Robert  
 Parkhurst, Henry  
 Robertson, Timothy

Dunn, James  
 Pratt, Irene  
 Tilton, Anna

Espieffs, Peter  
 Pratt, John  
 Webber, Amy

**COOS**

Mears, Edgar

Poulin, Richard

**GRAFTON**

Almy, Susan  
 Ham, Bonnie  
 Sokol, Hilda

Bleyler, Ruth  
 Hammond, Lee  
 Solomon, Peter

Cooney, Mary  
 Nordgren, Sharon

Densmore, Edward  
 Scovner, Nancy

**HILLSBOROUGH**

Baroody, Benjamin  
 Clemons, Jane  
 Emerton, Larry  
 Johnson, Lionel  
 Lefebvre, Roland  
 Pappas, Christopher  
 Sweeney, Cynthia

Brassard, Paul  
 Cote, David  
 Gorman, Mary  
 Konys, Christine  
 McHugh, Claire  
 Shaw, Barbara

Buckley, Raymond  
 Cote, Peter  
 Irwin, Anne-Marie  
 Kopka, Angeline  
 Messier, Irene  
 Sullivan, Francis

Clayton, William  
 Craig, James  
 Jean, Claudette  
 Lasky, Bette  
 Movsesian, Lori  
 Sullivan, Peter

**MERRIMACK**

Brueggemann, Donald  
 French, Barbara  
 Owen, Derek  
 Seldin, Gloria

Davis, Frank  
 Gile, Mary  
 Perkins, Randy  
 Wallner, Mary Jane

DeJoie, John  
 Hamm, Christine  
 Potter, Frances

DeStefano, Stephen  
 Osborne, Jessie  
 Rush, Deanna

**ROCKINGHAM**

Allen, Mary  
 Cady, Harriet  
 DiFruscia, Anthony  
 Langley, Jane  
 Quandt, Matthew  
 Weare, E Albert

Bishop, Franklin  
 Casey, Kimberley  
 Gilbert, Karl  
 Norelli, Terie  
 Shultis, Elizabeth

Blanchard, MaryAnn  
 Coes, Betsy  
 Hutchinson, Karen  
 Pantelakos, Laura  
 Splaine, James

Bridle, Russell  
 Davidson, Robert  
 Kelley, Jane  
 Pitts, Jacqueline  
 Varrell, Thomas

**STRAFFORD**

Berube, Roger  
 Grassie, Anne  
 Miller, Joseph  
 Schmidt, Peter  
 Taylor, Kathleen

Campbell, W Packy  
 Heon, Richard  
 Pelletier, Arthur  
 Smith, Marjorie  
 Vachon, Dennis

Creteau, Irene  
 Hofemann, Roland  
 Rollo, Deanna  
 Spang, Judith  
 Wall, Janet

Dunlap, Patricia  
 Kears, Sandra  
 Rous, Emma  
 Taylor, Katherine

**SULLIVAN**

Allison, David  
 and the committee report was adopted.  
 Referred to Finance.

Burling, Peter

Donovan, Thomas

Phinizy, James

Rep. McEachern declared a conflict of interest and did not participate.

**HB 82, to change the name of "Boott Spur" to Mount Reagan. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: As introduced, this bill would change the name of Boott Spur in the White Mountains to Mount Reagan. The committee felt that it would be more appropriate to put the name of Mount Reagan on a peak that was really a mountain and not only a spur. After several suggestions, an amendment as approved which would change the name of Mt. Clay to Mt. Reagan. Mt. Clay was named after Henry Clay, 1777-1852, a Senator and Representative from Kentucky and unsuccessful presidential candidate.

This mountain is in the White Mountains and in the North Presidential Range. The committee felt it would be appropriate to rename this mountain Mt. Reagan. This initiative is part of a national effort to have something in each state named after President Reagan. In New Hampshire, it is the custom to name a mountain in the presidential range after great presidents, and the committee felt that now is the appropriate time to take this action. The amendment also reaffirms the action of the 1913 NH Legislature in changing the name of Mt. Clinton to Mt. Pierce. We agree that naming this peak after the only President from New Hampshire is more appropriate than naming it after DeWitt Clinton, a governor of New York who had a major hand in the construction of the Erie Canal. The 1913 name change was not entirely successful and now there is confusion on its name. The committee wants to eliminate that confusion. Vote 10-4.

Rep. Henry A. L. Parkhurst for the Minority of Resources, Recreation and Development: The minority feels that this bill is premature. Section 2 is proof of this. 90 years after renaming Mt. Clinton to Pierce, we're doing it again. No Public Hearing was held on the amendment to change the "mountainous elevation" from Henry Clay to Ronald Reagan.

### **Majority Amendment (0382h)**

Amend the title of the bill by replacing it with the following:

AN ACT to change the name of "Mount Clay" to Mount Reagan.

Amend the bill by replacing all after the enacting clause with the following:

1 Mount Reagan. The mountainous elevation known as "Mount Clay" (5535') which is located in the White Mountains and is approximately one mile away from Mount Washington shall hereafter be called and known as Mount Reagan.

2 Reaffirmation. The general court hereby reaffirms the actions of the general court in 1913, 96 in renaming "Mount Clinton" as "Mount Pierce."

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill changes the name of "Mount Clay" located in the White Mountains to Mount Reagan. Majority amendment adopted.

Reps. Theberge and Spang spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Guay and McEachern spoke against.

Reps. Hughes and Richard Cooney spoke in favor.

Rep Spang requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

### **YEAS 213 NAYS 130**

#### **YEAS 213**

#### **BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Laflam, Robert  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

#### **CARROLL**

Derby, Mark  
Merrow, Harry  
Stevens, Stanley

Dickinson, Howard  
Mock, Henry

Hatch, Paul  
Patten, Betsey

McConkey, Mark  
Philbrick, Donald

#### **CHESHIRE**

Dexter, Judson  
Royce, H Charles

Fish, Douglas  
Smith, Edwin

Laurent, John

Liebl, George

#### **COOS**

Brady, Mark  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Richardson, Herbert

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ingbretson, Paul

Alger, John  
Gilman, G Michael  
Maybeck, Margie

Barker, Robert  
Gionet, Edmond  
Naro, Debra

Dorsett, Andrew  
Giuda, Robert  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Crane, Elenore Casey  
Elliott, Larry  
Ford, Nancy  
Goyette, Peter Jr  
Hallyburton, Margaret  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Messier, Irene  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Wheeler, Robert

Allen, Timothy  
Barry, J Gail  
Bergin, Peter  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Harrington, Paul  
Hopper, Gary  
Laflamme, Charles  
Luebckert, Bernard  
Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Souza, Kathleen

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Carter, Mark  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Gibson, John  
Greenberg, Gary  
Hawkins, Ken  
Jasper, Shawn  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Cernota, Albert  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Gonzalez, Carlos  
Hall, Charles  
Hinkle, Peyton  
Kurk, Neal  
Lawrence, James  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Scanlon, Michael  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Foley, Albert  
Leber, William  
Nutter, Edward

Blanchard, Elizabeth  
Kenison, Leon  
MacKay, James  
Ouellette, Robert

Colcord, J D  
Kennedy, Richard  
Marple, Richard  
Reed, Dennis

Field, William  
L'Heureux, Stephen  
McCormick, Tom  
Soltani, Tony

**ROCKINGHAM**

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Dupuis, Roland  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
McMahon, Charles  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morris, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
McCann, Richard  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Welch, David  
Winchell, George

**STRAFFORD**

Albert, Russell  
Easson, Timothy  
Woods, Phyllis

Brown, Julie  
Musler, George

Campbell, W Packy  
Newton, Clifford

Cataldo, Sam  
Twombly, James

**SULLIVAN**

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

## NAYS 130 BELKNAP

None

## CARROLL

Babson, David Jr	Brown, Carolyn	Kenney, Bettie	Olimpio, J Lisbeth
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## CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Meador, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Webber, Amy
Weed, Charles			

## COOS

Guay, Lawrence	Mears, Edgar	Poulin, Richard	Theberge, Robert
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## GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

## HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Buhlman, David
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Gorman, Mary	Goulet, Maurice
Haytayan, Harry Jr	Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kopka, Angeline	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Malloy, Chris	McElroy, Henry Jr	McRae, Karen
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Ross, Lawrence
Shaw, Barbara	Spiess, Paul	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Tahir, Saghir		

## MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Currier, David
Davis, Frank	DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Maxfield, Roy	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

## ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Davidson, Robert
Gilbert, Karl	Kelley, Jane	Langone, John	McEachern, Paul
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Vallone, Matthew	Zolla, William

## STRAFFORD

Berube, Roger	Bickford, David	Creteau, Irene	Dunlap, Patricia
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Pelletier, Arthur	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

## SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Harris, Joseph	Harris, Sandra	Phinizy, James

and the majority report was adopted.

Ordered to third reading.

**HB 280-FN**, relative to the poison information center. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward R. Leach for Science, Technology and Energy: This bill, the result of a legislative study committee, establishes a mechanism for funding a longstanding statutory obligation of the Commissioner of Health and Human Services to develop or designate a poison information center for the state. The New Hampshire Poison Information Center, which operates 24 hours-a-day and receives over 17,000 calls a year, has been run by Dartmouth Hitchcock Medical Center for a 22 years at virtually no cost to the state. A sustainable funding mechanism is necessary to support the continuation of a center that meets national standards. The bill as amended requires that a request for proposal (RFP) process be used to select the poison information center provider, thus keeping the cost of the program as low as possible. It also requires the use of funding from grants or donations, including federal grants like the bio-terrorism funds, and establishes a minimal surcharge on telephone lines, expected to be 2 or 3 cents per month, to supplement the funds obtained from other sources to pay for the program. Under the amendment the surcharge will expire in four years. This four-year period will allow the program to continue while other sustainable funding mechanisms are investigated. The legislative fiscal committee must approve the first budget for the program, which will be established after the department of health and human services selects the provider and establishes the cost for the program. There is also oversight by the Health and Human Services and Telecommunications Oversight Committee. The committee saw this amendment as the most practical way of continuing this important poison control telephone number for the state. Vote 11-1.

#### **Amendment (0496h)**

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The purpose of this act is to provide a sustainable and fiscally responsible funding mechanism to support the continuation of a statewide program for poison information that meets certification standards developed by the American Association of Poison Control Centers. The general court recognizes that the poison information center is an important emergency medical telephone service which complements and enhances the purposes of other emergency public health and safety efforts in New Hampshire.

2 New Section; Poison Information Center Surcharge. Amend RSA 378 by inserting after section 48 the following new section:

#### **378:49 Poison Information Center Surcharge; Fund Established.**

I. The poison information center, established pursuant to RSA 126-A:49, shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and shall be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the department of health and human services, which shall be forwarded to the state treasurer for deposit in the poison information center fund. Such fund shall be continually appropriated to the department of health and human services and shall not lapse. The moneys in the account shall not be used for any purpose other than the poison information center developed or designated pursuant to RSA 126-A:49. The public utilities commission shall establish the surcharge based on the budget that has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the poison information center surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the poison information center designated pursuant to RSA 126-A:49.

III. The surcharge authorized by this section shall be sufficient to cover the poison information center designated pursuant to RSA 126-A:49, net of any funds obtained from any other sources.

IV. The poison information center surcharge shall be separately identified on the telephone customer's bill.

3 New Subparagraph; State Treasurer; Poison Information Center Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmmmm) Moneys received under RSA 378:49, which shall be credited to the poison information center fund established in RSA 378:49.

4 Health and Human Services; Poison Information and Control. Amend RSA 125:9, IX to read as follows:

IX. Develop or designate a statewide [~~program for~~] poison information [~~and treatment~~] *center* under RSA 126-A:49 *by soliciting proposals and selecting a vendor*.

5 Health and Human Services; Poison Information and Control. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services, and shall be from the surcharge authorized by RSA 378:49. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 and the chairperson of the oversight committee on telecommunications established pursuant to RSA 374:22-h as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant. The health and human services oversight committee shall, no later than July 1, 2007, review the accreditation standards of the American Association of Poison Control Centers to determine whether it is appropriate to continue to require the poison information center to meet such standards.

6 Initial Budget for Poison Information Center. For the purposes of initiating the budget for the poison information center, the commissioner of health and human services shall submit an initial budget to the legislative fiscal committee for final approval.

7 Health and Human Services; Poison Information and Control; References to Surcharge and Accreditation Review Eliminated. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 and the chairperson of the oversight committee on telecommunications established pursuant to RSA 374:22-h as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant.

8 Repeal. The following are repealed:

I. RSA 378:49, relative to the poison information center surcharge.

II. RSA 6:12, I(mmmmmmmmm), relative to the poison information center fund.

9 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill establishes the poison information center surcharge as a funding mechanism to continue the statewide program for poison information and treatment which meets certification standards developed by the American Association of Poison Control Centers.

The surcharge is repealed in 2007.

Adopted.

Report adopted.

Referred to Ways and Means.

**HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lawrence J. Guay for the Majority of State-Federal Relations and Veterans Affairs: The committee is very concerned about pollution but the majority feels that this resolution will not solve the problem. United States Senator Gregg voted to delay implementation of these rules so that the National Academy of Science can investigate the potential effect of these rules on air quality and human health, taking into consideration all the problems with the war and restoration of the economy. Electric power plants are very much needed for the use of other industries in New Hampshire. HCR 15 would not help new construction of coal power or the reconstruction of existing plants. This resolution appeared before the House and Senate for several years and was voted ITL. Vote 6-5.

Rep. J. Edward Kerns for the Minority of State-Federal Relations and Veterans Affairs: This resolution opposes the relaxation of air quality standards by the EPA and supports the efforts of the Attorney's General of several northeastern states including our own, in a federal lawsuit against the EPA. The minority feels that the resolution as worded best expresses our desires and concerns in protecting the health of our citizens and the quality of our air. Compelling public testimony revealed the threat of relaxing air quality standards and illustrated the health risks such a move would have on the public. We deem these dangers significant enough to warrant a dissent.

Rep. Coughlin moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to State-Federal Relations & Veterans Affairs.

**HB 733-FN**, relative to drivers' licenses held by national guard members. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Letourneau for the Majority of Transportation: This bill as amended would allow New Hampshire National Guard and Reserve military members to renew their driver's licenses at half the normal cost associated with renewal, if it expires while they are on active duty. Current law already provides this for regular service members. This bill would provide parity. Currently the makeup of our national forces is 52% guard and reserves. As this trend continues, the persons responsible for the protection of our country will be our friends and neighbors we work with each day. The majority of the committee felt that in this time of national crisis and uncertainty this bill would provide a small but meaningful measure to those who faithfully serve us. Vote 10-5.

Rep. Brenda L. Ferland for the Minority of Transportation: We all are thankful for the time that the National Guard and members of the armed forces give. But to allow them and their spouses to renew their licenses at one half the cost is not necessary. Some people belong to the reserves and the guard for years and never see active duty, all the while collecting two paychecks. They can well afford to renew their licenses at the full price.

### Majority Amendment (0333h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to drivers' licenses held by members of the national guard or military reserve.

Amend the bill by replacing section 1 with the following:

1 New Paragraph: License Expiration, Members of the Armed Forces, Spouses; National Guard or Military Reserve. Amend RSA 263:11 by inserting after paragraph II the following new paragraph:

III. Any person who is a member of the national guard or military reserve and who, at the time of a call to active duty of 30 days or greater duration, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license at 1/2 cost by application to the division. The application shall be accompanied by a



letter giving date of expiration of active duty, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued. The privilege of this section remains in effect for 90 days after the discharge or release of such a person from active duty. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

### AMENDED ANALYSIS

This bill entitles a member of the national guard or military reserve called to active duty to renew a driver's license at ½ cost.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough. (Amendment printed SJ 3/13/03)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

### RESOLUTION

Rep. Giuda offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 20, 2003 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission.

**HB 745**, relative to voters presenting identification to obtain a ballot.

**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system.

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone.

**HB 149**, relative to patient rights and disclosures.

**HB 82**, to change the name of "Mount Clay" to Mount Reagan.

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve.

### UNANIMOUS CONSENT

Reps. Robert J. Laflam and Burling addressed the House.

### REMARKS

Rep. Giuda requested that the remarks of Rep. Robert Laflam be printed in the Permanent Journal. Without objection, the Speaker so ordered.

Rep. Robert Laflam: Thank you, Mr. Speaker. About 54 years ago, in Belmont, a mill town not too far from here, the high school graduated twelve: 5 boys, 7 girls. One of those boys, or a young man, 17 years old, who had never ridden a train, never flown on an airplane, went off to a little school on the Hudson River named West Point. He was the first young man from Belmont to go from town. He went on to serve about 31 years in the Army, as a brand new second lieutenant in Germany with a bunch of fine troops all the way to become the Director of Force Modernization for Communications and Electronics in his last six years.

During those years, I developed a tremendous bond for our soldiers. They are special. I think about them every day. I'm listening on the radio this morning to interviews from Kuwait. Having served in the middle East and in Iran for two years, I know it's crunch time. The good weather is about to end, the sand storms have picked up and that is followed by oppressive heat. It's tough to fight and to exist in those kind of conditions. Some of those men and women have been over there for six

months, waiting. They're antsy, they're worried, they're concerned. They hear a lot of bad news on the radio about demonstrations and about stonewalling at the United Nations. I heard one PFC this morning ask a news reporter, "I wonder if the people back home still support us?" Well, I think we ought to send a message of support and love to those guys and gals. Thank you.

### RECESS MOTION

Rep. Giuda moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:50 p.m.

### RECESS

**(Rep. Francoeur in the Chair)**

### RESOLUTION

Rep. Movsesian offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 68, 76, 77, 82, 121, 123, 135, 147, 164, 171 and 188, Senate Joint Resolution numbered 1 and Senate Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 68**, authorizing electronic certification of educational credentials. (Education)

**SB 76**, relative to the process for nonrenewal of teacher contracts. (Education)

**SB 77**, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. (Municipal and County Government)

**SB 82-FN**, relative to awards of fees and interest under workers' compensation. (Labor, Industrial and Rehabilitative Services)

**SB 121-FN**, relative to mortgage originator registration. (Commerce)

**SB 123**, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. (Election Law)

**SB 135**, relative to hotel keeper liability for personal care services. (Commerce)

**SB 147**, establishing a committee to study alternative strategies to relieve the property tax burden on private educational institutions and to encourage scholarships to New Hampshire students. (Ways and Means)

**SB 164**, relative to the unauthorized use of a financial institution's name. (Commerce)

**SB 171**, regulating non-agricultural activities which may cause the introduction and spread of infectious wildlife diseases. (Fish and Game)

**SB 188-L**, establishing a commission to study improving the enforcement of traffic laws in high traffic areas. (Transportation)

**SJR 1**, approving certain uses of Weeks state park. (Resources, Recreation and Development)

**SCR 2**, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen. (State-Federal Relations and Veterans Affairs)

### SENATE MESSAGE

### CONCURRENCE

**HB 171**, establishing a commission to assess the operating efficiency of state government.

### RECESS

**(Rep. Bruno in the Chair)**

### RESOLUTION

Rep. Babson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 36, 40, 47, 59, 74, 98, 113, 139, 143, 146, 152, 155, 157, 162, 165, 173, 176, 198, 206, 210, 219, and 223 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 36-FN**, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. (Criminal Justice and Public Safety)

**SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification. (Criminal Justice and Public Safety)

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. (Public Works and Highways)

**SB 59-FN**, relative to administrative license suspension hearings. (Criminal Justice and Public Safety)

**SB 74-FN-A-L**, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. (Municipal and County Government)

**SB 98-FN**, prohibiting telemarketers from contacting customers on a federal do-not-call registry. (Commerce)

**SB 113**, changing the name of Plymouth state college to Plymouth state university. (Executive Department and Administration)

**SB 139**, relative to exhibition fees charged by the boxing and wrestling commission. (Ways and Means)

**SB 143**, establishing a commission to study and review the regulation of the building trades. (Executive Department and Administration)

**SB 146**, relative to eligible costs for training grants in the job training program for economic growth. (Labor, Industrial and Rehabilitative Services)

**SB 152**, relative to health insurance coverage for prosthetic devices. (Commerce)

**SB 155**, establishing a commission to study issues relative to water withdrawals. (Resources, Recreation and Development)

**SB 157**, establishing a committee to study the vesting of development rights. (Municipal and County Government)

**SB 162**, establishing a committee to study water resources. (Resources, Recreation and Development)

**SB 165**, relative to the voluntary dissolution of nondepository trust companies. (Commerce)

**SB 173**, relative to certain historical and recreational facilities. (Public Works and Highways)

**SB 176**, relative to standards for plats recorded in the registry of deeds. (Municipal and County Government)

**SB 198**, relative to a certain highway sign in Concord. (Public Works and Highways)

**SB 206-FN**, relative to the registration of OHRVs used as grooming equipment for cross country ski trails. (Resources, Recreation and Development)

**SB 210**, relative to the administrative procedures of the real estate commission. (Executive Department and Administration)

**SB 219**, relative to superior court notice to health care regulatory boards of felony convictions of health care providers. (Judiciary)

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. (Ways and Means)

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 171.  
Rep. Densmore, Sen. D'Allesandro for the Committee

**RECESS****(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Thursday, March 20, 2003

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O Lord, the creator and protector of all, You see us living in dangerous times and in a world broken by human sin and division. As our nation takes up arms in its defense, may our motives be guided by a deep desire for peace among all people and not for our interests only. We ask that Your protective hand be especially upon all children and all the weak and the innocent who suffer most in times of conflict and war. We also lift up to You our President, George W. Bush, as he bears the weight of authority in directing this nation and our people.

Bless this honorable House today and make worthy of the sacrifice of many the work that is done here on behalf of all citizens in our beloved New Hampshire.

As always, may Your protective blessing be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in the defense of our country and our communities. Bring peace quickly, O Lord. Amen.

Rep. Harry C. Merrow led the Pledge of Allegiance.

The National Anthem was sung by Rosalie Garlow, a student from Hopkinton High School.

"God Bless America" was sung by all assembled, led by Reps. Gorman and John Manning.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Flanagan, Gargas, Hunter, Charles Laflamme, Rice, Seldin and Weare, the day, illness.

Reps. Timothy Allen, Carolyn Brown, Corbin, Furman, Jeffrey Gilbert, Hollinger, Jean, Robert L'Heureux, Maxfield, Moran, Musler, Rausch and Russell, the day, important business.

Reps. Langer, Movsesian, Olimpio and Pelletier, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Randy Rouse and Jeffrey Duclair, Pages for the day's session. Elianna Kan and Elizabeth Smith, guests of Rep. Hammond. Susan and Arthur Garlow, parents of Rosalie Garlow, guests of Speaker Chandler. Albert and Julia Balboni, parents of Rep. Balboni. Armand and Jan Bolduc, Earl and Maryann Bethune, guests of Rep. Holbrook.

**SPECIAL GUESTS**

United States Army Major Donald Bolduc, Military Aide to the Secretary of the Army and former Commander of Special Forces protecting Afghan President Hamid Karzai and the Honorable Grif-fin Dalianis, Civilian Aide to the Secretary of the Army, guests of the House.

**COMMUNICATION**

March 19, 2003

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 50

Thomas Katsiantonis, d, Manchester (156 Boynton Street) 03102

William M. Gardner, Secretary of State

**SUSPENSION OF RULES**

Without objection, the Speaker announced that the Rules of the House were suspended to allow for an introduction of a Resolution.

**RESOLUTION**

Its introduction having been approved by the House, Representatives Hess and Burling offer the following:

Resolved, that according to the list in the possession of the Clerk, House Resolution 11, supporting the men and women of the armed forces, and sponsored by Representatives Chandler, Boyce, Hess and Burling, shall be by this resolution read a first and second time.

Adopted.

**INTRODUCTION OF HOUSE RESOLUTION 11****First, second reading**

**HR 11**, supporting the men and women of the armed forces. (Chandler, Carr 04; Boyce, Belk 31; Hess, Merr 37; Burling, Sull 19)

**HOUSE RESOLUTION 11**

supporting the men and women of the armed forces.

WHEREAS, the President of the United States has ordered military action against the government of Iraq, in an effort to address the threat that the government of Iraq poses to the peace and stability of Iraq, the region, and the world; and

WHEREAS, hundreds of New Hampshire men and women in the armed forces, reserves, and national guard have been or will be called to active duty, and deployed to the Middle East region and other parts of the world; and

WHEREAS, these men and women have joined other members of the United States armed forces, and members of the multinational forces assembled against this threat; and

WHEREAS, the families of these men and women play an important role in providing support to them; now, therefore, be it

RESOLVED by the House of Representatives:

That the New Hampshire house strongly supports the men and women of our armed forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery; and

That the New Hampshire house commends the families of these men and women for their strength and service to our country during this time of conflict; and

That the members of the New Hampshire house wish every success for the men and women of our armed forces, and hope for their speedy return to their families and country.

Adopted by a unanimous rising vote.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 386**, establishing a committee to study individual development accounts, removed by Rep. Peter Sullivan.

**HB 614-FN-L**, requiring the state to pay the total expense of fighting forest and brush fires on any state owned park or forest land, removed by Rep. Rush.

Consent Calendar adopted.

**HB 303**, relative to life, accident, and health technicals. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation, as amended, was introduced at the request of the New Hampshire Insurance Department. The bill makes technical changes in the laws relative to health insurance. First, it clarifies the definition of "covered lives". Second, in the individual health insurance definition it defines "group excess loss insurance". Third, this section just now makes reference to RSA 420-B as the correct section so far as coverage for mental or nervous conditions. The last change amends the effective date from 60 days after passage to January 1, 2004. Section 4,5 and 6 were deleted as not necessary at this time. Vote 13-0.

**Amendment (0471h)**

Amend the bill by replacing all after section 4 with the following:

5 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill makes certain technical corrections in the laws relating to life, accident, and health insurance.

**HB 448**, implementing a reasonableness standard for individualized education plans. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: The committee did not feel this bill would enhance enforcement of the Individual Education Plan (IEP) process required by the Individuals with Disabilities Education Act. The bill would also add additional paper work to an already paper work intensive program, without meeting the desired outcome. Vote 17-0.

**HB 528**, establishing a commission to study computer standards used in public schools in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: This bill seeks to establish a commission to study computer standards currently in use in New Hampshire public schools. In today's rapidly changing technology based society, we need to make sure that our schools keep pace with these changes. According to the testimony presented to the committee, the Department of Education has not changed the existing minimum standards for over ten years. The Department of Education was a partner in the creation of this Information Technology program and this program is currently in place in a number of High Schools across the State with positive results. The commission created by this bill will also assess this Information Technology program to see if it meets the required technology standards under "The No Child Left Behind" statute and accept grants, both federal and private, along with donations. Vote 16-1.

**Amendment (0485h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study computer standards used in public schools in New Hampshire. The commission shall:

I. Evaluate the New Hampshire Information Technology Pathway program and determine if it would be appropriate to adopt such program in the public schools.

II. Determine if the New Hampshire Information Technology Pathway program meets the requirements of the No Child Left Behind Act of 2001.

III. Study increasing the number of credit hours required for computer education at the elementary and secondary school levels.

IV. Apply for, receive, and expend any available federal, state, or private funds.

V. Accept donations, gifts, equipment, or other items which may assist the commission in the completion of its charge.

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: This bill came to the Finance Committee from Ways and Means. As stated in their report, every two years the legislature sets the rate of this tax at the maximum rate allowed by federal Medicaid regulations. This tax should result in revenue to the state of at least \$180 million for the biennium. Vote 22-0.

**HB 213**, relative to reporting requirements for dedicated funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee agreed that transfers in and out of dedicated funds should be included as reportable actions in dedicated accounts. Vote 22-0.

**Amendment (0055h)**

Amend the bill by replacing section 1 with the following:

1 State Treasurer and State Accounts; Reporting Requirements for Dedicated Funds; Disclosure of Transfers. Amend RSA 6:12-e, I(b) to read as follows:

(b) The amount of revenue deposited into the fund, account, or trust, and the amount expended from, *transferred into, and transferred out of* said fund, account, or trust during the prior 2 fiscal years.

**AMENDED ANALYSIS**

This bill requires dedicated fund reports to include the amount of revenue transferred into or out of the fund, account, or trust during the prior 2 fiscal years.

**HB 575-FN**, relative to students at state colleges and universities who are registered to vote in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The sponsors of this bill believe that our public colleges are encouraging their out of state student population to vote in our local elections. The bill would have been costly to the public colleges by having such voting entitle an out of state student to establish New Hampshire residence, thus in-state tuition rates. After hearing testimony the committee was convinced that there was a problem, but were not convinced that all the culpability lay with the schools. The solution to the problem involved amending HB 575 to tighten up voter identification. Once the committee took that road it led to the province of the Election Law committee, which is already working to accomplish that same purpose with HB 627. The committee felt we could vote HB 575 inexpedient to legislate while allowing HB 627 to accomplish the goal of the sponsors. Vote 21-0.

**HB 597-FN-A**, appropriating funds to the barn preservation fund matching grants program. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The committee felt that the barn preservation program was quite worthy and the leveraging of funds was appreciated, however, since the program was in the previous year's budget this legislative special is not needed. This issue will be addressed in the regular budget process. Vote 20-3.

**HB 642-FN**, relative to police patrolling of the Pleasant Street campus access path in the town of Plymouth. **INEXPEDIENT TO LEGISLATE**

Rep. Frederick W. King for Finance: The prime sponsor of this bill requested that it be found inexpedient to legislate. There is other legislation being offered which deals with the same subject matter. Vote 22-0.

**HB 757**, relative to health care fund grant awards. **INEXPEDIENT TO LEGISLATE**

Rep. Edward D. Densmore for Finance: This bill would expand the review of grant awards from the Health Care Fund. The committee felt that the process of review currently in place provides ample oversight and is not in need of change. Vote 20-1.

**HB 606**, establishing a right-to-know study commission. **OUGHT TO PASS**

Rep. James E. Wheeler for Judiciary: The proliferation of technology in local government has called into question what records fall under the right-to-know law. The use of e-mails and conference calls and the accessibility of information on everyone's computer would indicate a need for this study. There was a study committee in a recent session that could not resolve the questions, so some of the members of the study committee have asked for this study commission to really dig into this issue and make some serious recommendations. The committee felt that this was a very important issue and that this bill ought to pass. Vote 11-0.

**HB 764**, relative to the state of New Hampshire conforming to public laws enacted by the United States Congress. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H Burling for Legislative Administration: The committee listened to the evidence, studied the bill, but could not find a compelling reason to pass this statute at this time. Vote 14-0.

**HB 792**, establishing a legislative internship pilot program in the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. Hutchinson for Legislative Administration: The House already utilizes the assistance of interns from time to time. Since there is nothing to prevent this practice from continuing, the committee believes this bill to be unnecessary. Vote 14-0.

**HB 531**, relative to off-site improvements imposed on applicants to a planning board. **OUGHT TO PASS**

Rep. Peter B. Schmidt for Municipal and County Government: This bill provides that a planning board shall, in the course of site plan or subdivision review, have authority to require that a developer be responsible for the payment of the cost of any on-site improvements as well as the developer's proportional share of off-site improvements which are necessitated by the development. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance. This authority, long exercised by past planning boards, was lost as a result of *Simonson v. Derry*. In that case, the Supreme Court held that, in the absence of an impact fee ordinance, a planning

board could not impose fair and proportional fees for off-site improvements on a developer whose proposal necessitated the improvements. The committee felt that restoring it via this bill was in the best interest of good planning and fair and reasonable cost allocation. Vote 13-0.

**HB 616-FN-L**, relative to the Hampton real estate trust fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: In 1975, the general court was requested to create the Hampton Real Estate Trust Fund. At the local level, the town then voted to only use the interest on the fund for reducing the tax rate. Now that the trust fund has an approximate 13 million dollar balance, the Hampton Selectmen requested their representatives to introduce a bill that would allow a change in the intent of the Trust fund and to permit the Town of Hampton to borrow from its own real estate trust for capital improvement projects. Hampton is in an enviable position in that few if any towns/municipalities have the luxury of being able to lend money to themselves. The bill, as amended, requires that the principal of the fund remain intact and that the amortization schedule on any loan not exceed 15 years. Other management restrictions may be found in the amendment. Vote 13-0.

**Amendment (0626h)**

Amend the bill by replacing section 1 with the following:

1 Hampton Real Estate Trust Fund; Principal and Interest. Amend 1975, 314:1 as amended by 1983, 3:1 to read as follows:

314:1 Authorization for Real Estate Trust Fund. The town of Hampton may, at any regular or special meeting, provide that the proceeds of sales of land or interests in lands, other than land or interests in land acquired by taking for non payment of taxes or land under the administration of the town's conservation commission, shall be paid over to the town's trustees of trust funds, to be invested and reinvested by them. The trustees are authorized to obtain the services of a bank or professional management company. ~~[The income from the fund shall be paid annually or more often into the town's general fund.]~~ The principal of the fund shall remain intact. *The principal of the trust fund may be used to finance capital improvements of the town when authorized in accordance with the procedures under RSA 33:8. The amount of money borrowed shall be paid back to the real estate fund plus interest. The rate of interest shall be the prevailing bank rate charged to municipalities as determined by the trustees of the fund. The amortization schedule on any loan shall not exceed 15 years. The total of all loans shall not exceed 75 percent of the fund's value. Income from the trust may be retained in the trust fund in anticipation of future projects or it may be paid into the town's general fund as determined by the town's legislative body.*

**HB 442**, relative to emission control equipment. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsor of this bill was seeking to exempt certain vintage motor vehicles from emission control compliance requirements. Most of the committee feels that the New Hampshire Department of Safety is best qualified to regulate testing parameters. The Department of Motor Vehicles reviews and adjusts year of manufacture dates for emission testing periodically. Vote 12-4.

**HB 226**, relative to a state policy on gambling. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher C. Pappas for Ways and Means: The committee attempted to accommodate the sponsor who wished to amend this bill. However, after repeated attempts failed to produce the amendment, or more information from the sponsor, the committee unanimously voted Inexpedient to Legislate. Vote 16-0.

**HB 368**, making technical corrections to the statutory list of dedicated funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Gibson for Ways and Means: This bill makes technical corrections to the list of dedicated funds that are now subject to reporting requirements through the State Treasurer to the relevant policy committee of the legislature. The committee supports continued interest in the issue of disclosure and oversight of dedicated funds. Vote 16-0.

**Amendment (0441h)**

Amend RSA 6:12, 1(b)(18) as inserted by section 1 of the bill by replacing it with the following:

~~[(tt)] (18) Money received under RSA [341-A:18]~~ **434:36**, which shall be credited to the apple marketing account.



Amend RSA 6:12, I(b) as inserted by section I of the bill by inserting after subparagraph (210) the following new subparagraphs:

*(211) Moneys deposited in the lab certification fund under RSA 485:46.*

*(212) Moneys deposited in the drug free school zone signs fund under RSA 193-B:7.*

*(213) Moneys deposited in the education credentialing fund under RSA 186:11, X.*

*(214) Moneys deposited in the trapping education funds under RSA 207:17, II and RSA 210:25.*

*(215) Moneys deposited in the department of fish and game's stamp and permit fund under RSA 214:9-e, IV.*

*(216) Moneys deposited in the restitution for illegal taking fund under RSA 207:55, III.*

*(217) Moneys deposited in the radiation user and laboratory fees fund under RSA 125-F:8-b.*

*(218) Moneys deposited in the New Hampshire emergency response and recovery fund under RSA 21-P:46.*

*(219) Moneys deposited in the national guard's chargeable transient quarters (QTC) and billeting fund and the army national guard state training center program management fund under RSA 110-B:32-a.*

*(220) Moneys deposited in the Connecticut Lakes headwaters tract monitoring endowment fund under RSA 216:7.*

*(221) Moneys deposited in the Connecticut Lakes headwaters natural stewardship endowment account under RSA 216:9.*

*(222) Moneys deposited in the Connecticut Lakes headwaters tract road maintenance endowment fund under RSA 216:10.*

*(223) Moneys deposited in the department of cultural resources donations fund under RSA 21-K:4-a.*

#### AMENDED ANALYSIS

This bill:

I. Renumbers the list of dedicated funds in RSA 6:12.

II. Adds references to existing dedicated funds that were previously omitted from RSA 6:12.

III. Removes statutory references to the inventor's assistance program fund, the New Hampshire heritage trust fund, and the disabled person's employment fund.

**HB 589-FN-A-L**, establishing a tax on purchases of bulk paper stock and establishing a bulk newsprint recycling fund. **INEXPEDIENT TO LEGISLATE**

Rep. Kurt J. Roessner for Ways and Means: Revenues from the tax are estimated to be \$600,000 in FY 2004 and \$1.2 million in FY 2005 which would be used to create a dedicated fund to be distributed to towns who currently have newsprint recycling programs. The committee agreed with the three newspaper publishers who testified that the tax would place a competitive hardship on their medium. The Dept. of Environmental Services representative also raised other concerns with the bill. Vote 13-0.

**HB 644-FN-A**, relative to selling advertising space on state paychecks, vendor checks, and websites. **INEXPEDIENT TO LEGISLATE**

Rep. Lee M. Hammond for Ways and Means: While the committee appreciated the sponsor's creativity, it believes that this bill would generate very little revenue and the advertising contemplated by it had the potential to offend State employees, vendors, and visitors to the State's web site. Vote 13-0.

**HB 752**, relative to the distribution of business tax revenues to the education trust fund. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: This bill establishes that a flat 33% of both business taxes go into the Education Trust Fund (ETF). The existing distribution mechanism between this and the General Fund is unworkable. 33% represents the proportion of the 2 taxes going into the ETF in FY'02. If economic conditions change at a future time and this formula delivers too much or too little money to the ETF relative to the original formula, it can be adjusted legislatively. Vote 16-0.

**HB 770-FN-A**, establishing a credit against the business enterprise tax for compensation paid to disabled employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Hughes for Ways and Means: This bill sought to establish a credit against the Business Enterprise Tax of 25% of compensation paid by employers to employees with physical and/or mental disabilities. The committee felt that this bill has noble intentions but that it raised more questions than answers. Since there was no fiscal note, and the issues raised during the committee discussion were complex, the committee concluded that the bill's concept required an in-depth study. Accordingly, the committee adopted an amendment that establishes a committee to study using tax policy to create incentives to encourage employers to hire disabled individuals. Vote 15-0.

#### **Amendment (0617h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study using tax policy to create incentives to encourage employers to hire disabled persons. The committee shall examine tax incentive programs of other jurisdictions which are designed to encourage hiring of disabled persons.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This act establishes a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

**HB 813-FN-A**, establishing a deduction from the business profits tax for investments made in New Hampshire companies. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: At the time of this bill's public hearing, its sponsor proposed that the bill be replaced by a different concept that would have required the New Hampshire Retirement System to invest \$25 million in New Hampshire based venture capital firms. The committee believed unanimously that the amendment was non-germane. The bill's first proposal of using tax credits to stimulate investment in New Hampshire companies was one of 3 bills (HB 814 and HB 830) from the same sponsor on the subject of enacting tax credits to promote economic development. The Committee has unanimously voted to retain the sponsor's primary bill on this subject, HB 830, for further study. The committee will include in its study the original concepts of this bill. Vote 17-0.

**HB 814-FN-A**, establishing a credit against the business profits tax for certain insurance, financial services, and health care business organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: The committee felt the concept of granting credits against the business profits tax for certain services and business organizations was worth studying. It has agreed to retain a companion bill, HB 830, for further study and to include in the study the concept of targeting business tax credits for certain industries. Vote 17-0.

#### **REGULAR CALENDAR**

**CACR 1**, relating to the support of religious schools. Providing that the language in article 6 of the first part of the New Hampshire constitution, which states that "But no person shall ever be

compelled to pay towards the support of the schools of any sect or denomination." shall be deleted from the article and the language in article 83 of the second part of the New Hampshire constitution which states that "": *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J.D. Colcord for the Majority of Education: The committee has heard testimony on four CACR's. It is the committee's belief that all of the proposed CACR's have some good points. In view of this, the committee retained for further consideration CACR 2 and CACR 13 and will include in our deliberations salient aspects of this CACR. Vote 14-3.

Rep. Paul Ingbreton for the Minority of Education: The minority felt that as long as these provisions stand, competition, which is the key to revitalizing education, may never become a reality for the state of New Hampshire.

Majority report adopted.

**HB 427**, making the position of "treasurer" optional for school districts. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The majority of the committee felt that the intent of this bill was laudable. However, it was more of a local problem and not prevalent in multiple districts. Vote 11-6.

Rep. Robertson spoke against.

Rep. Stephen L'Heureux spoke in favor.

Adopted.

**HB 592-FN**, relative to funding the compensation and benefits of teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy Scovner for Education: This bill was designed to separate teacher salaries from total school expenses, so they wouldn't be paid from state aid, but paid locally. The committee felt that teachers pay was an integral part of the expense for education and should not be separated. Vote 15-1.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 326 NAYS 30

### YEAS 326

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Laffam, Robert	Lawton, David	Nedea, Stephen	Pilliod, James
Thomas, John	Whalley, Michael		

#### CARROLL

Babson, David Jr	Derby, Mark	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

#### CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Royce, H Charles	Slack, Pamela
Smith, Edwin	Tilton, Anna	Webber, Amy	Weed, Charles

#### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Woodward, David		

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle  
Gilman, G Michael  
Ingbretson, Paul  
Scovner, Nancy

Alger, John  
Bleyler, Ruth  
Dorsett, Andrew  
Gionet, Edmond  
Maybeck, Margie  
Sokol, Hilda

Almy, Susan  
Cooney, Mary  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Solomon, Peter

Barker, Robert  
Densmore, Edward  
Eaton, Stephanie  
Hammond, Lee  
Nordgren, Sharon  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Baroody, Benjamin  
Bergin, Peter  
Bruno, Pierre  
Carter, Jeffrey  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gonzalez, Carlos  
Graham, John  
Hallyburton, Margaret  
Hinkle, Peyton  
Jasper, Shawn  
Konys, Christine  
Leach, Edward  
McDonough-Wallace, Alice  
Mercer, Robert  
O'Brien, Lori  
Pepino, Leo  
Ross, Lawrence  
Slocum, Lee  
Sullivan, Jeffrey  
Tate, Joan

Artz, Lawrence  
Barry, J Gail  
Bouchard, David  
Buckley, Raymond  
Carter, Mark  
Clayton, William  
Craig, James  
Drisko, Richard  
Fletcher, Richard  
Gorman, Mary  
Greenberg, Gary  
Hansen, Ryan  
Hopper, Gary  
Johnson, Lionel  
Kurk, Neal  
Lefebvre, Roland  
McElroy, Henry Jr  
Messier, Irene  
Palangas, Eric  
Pilotte, Maurice  
Rowe, Robert  
Spiess, Paul  
Sullivan, Peter  
Vaillancourt, Steve

Balboni, Michael  
Batula, Peter  
Brassard, Paul  
Cail, Kenneth  
Cernota, Albert  
Clemons, Jane  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Haley, Robert  
Hawkins, Ken  
Infantine, William  
Katsiantonis, Thomas  
LaFlamme, Paul  
Lessard, Rudy  
McHugh, Claire  
Milligan, Robert  
Pappas, Christopher  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Sweeney, Cynthia  
Wheeler, James

Balcom, John  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert  
Cote, David  
Dionne, Kimberley  
Emerton, Larry  
Gibson, John  
Goyette, Peter Jr  
Hall, Charles  
Haytayan, Harry Jr  
Irwin, Anne-Marie  
Kerns, J Edward  
Lasky, Bette  
Malloy, Chris  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Reeves, Sandra  
Schulze, Joan  
Sullivan, Francis  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
Foley, Albert  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Osborne, Jessie  
Potter, Frances

Blanchard, Elizabeth  
Currier, David  
DeStefano, Stephen  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
McCormick, Tom  
Ouellette, Robert  
Reed, Dennis

Bouchard, Candace  
Daniels, Eric  
Dunne, Christopher  
French, Barbara  
Hess, David  
Leber, William  
Nutter, Edward  
Owen, Derek  
Rush, Deanna

Brueggemann, Donald  
Davis, Frank  
Field, William  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Oliver, James  
Perkins, Randy  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Dupuis, Roland  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
Manning, John

Bicknell, Elbert  
Camm, Kevin  
Coes, Betsy  
Dodge, Robert  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McCann, Richard

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McEachern, Paul

Blanchard, MaryAnn  
Casey, Kimberley  
Davidson, Robert  
Duffy, James  
Francoeur, Sheila  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy

McMahon, Charles  
O'Neil, Michael  
Priestley, Anne  
Ruffner, Walter  
Smith, Paul  
Tufts, J Arthur  
Welch, David

Morris, Richard  
Packard, Sherman  
Putnam, Ed II  
Scamman, Stella  
Splaine, James  
Vallone, Matthew  
Wiley, Robert

Norelli, Terie  
Pantelakos, Laura  
Robertson, Carl  
Shultis, Elizabeth  
Stone, Joseph  
Varrell, Thomas  
Winchell, George

Noyes, Richard  
Pitts, Jacqueline  
Roessner, Kurt  
Smith, Donald  
Stritch, C Donald  
Waterhouse, Kevin  
Zolla, William

### STRAFFORD

Bemis, Alan  
Creteau, Irene  
Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith  
Wall, Janet

Bickford, David  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine  
Woods, Phyllis

Campbell, W Packy  
Grassie, Anne  
Johnson, Nancy  
Miller, Joseph  
Smith, Marjorie  
Taylor, Kathleen

Cataldo, Sam  
Harrington, Michael  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Twombly, James

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinizy, James

### NAYS 30

### BELKNAP

Boyce, Laurie

Wendelboe, Fran

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

Sorg, Gregory

### HILLSBOROUGH

Adams, Jarvis  
Christiansen, Lars  
Harrington, Paul

Arnold, Thomas Jr  
Cote, Peter  
Luebker, Bernard

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Ober, Russell III

Buhlman, David  
Hagan, Barbara  
Souza, Kathleen

### MERRIMACK

Kennedy, Richard

Marple, Richard

Soltani, Tony

### ROCKINGHAM

Allen, Mary  
Flayhan, Mary Lou  
Weyler, Kenneth

Cady, Harriet  
Itse, Daniel

DiFruscia, Anthony  
Quandt, Matthew

Dumaine, Dudley  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell

Newton, Clifford

Scott, David

### SULLIVAN

None

and the committee report was adopted.

**CACR 7**, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. **INEXPEDIENT TO LEGISLATE** Rep. Mark S. Derby for Election Law: This CACR would have reduced the size of the House to 144 and increased the size of the Senate to 36, with 4 House districts within each Senate district.

While the majority agrees with the sponsor's rationale for enlarging the Senate, it believes that such an initiative should originate in the Senate. As to reducing the size of the House, the majority believes that a smaller House would weaken the citizen-nature of our House of Representatives. While the majority is mindful that the many large House districts have created a number of challenges, the solution is not to reduce the total number of members in the House. Vote 12-4.

Reps. Diamond and John Pratt spoke against.

Rep. Derby spoke in favor and yielded to questions.

Rep. Dickinson spoke in favor.

Adopted.

**HB 394**, relative to incompatible offices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark S. Derby for the Majority of Election Law: This legislation would add United States senator, United States representative, county sheriff, county attorney, county treasurer, register of deeds and register of probate to the list of incompatible offices for which a candidate may not seek more than one nomination. As it now stands, RSA 655:10, I covers governor, state representative, state senator and executive councilor. It also presently prohibits a candidate from running for state representative and county commissioner. This legislation would not require a sitting elected official to resign his or her seat in order to run for an incompatible office, but it would prevent that official from simultaneously seeking election to an incompatible office and re-election to the official's present office. Vote 13-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority feels it is not appropriate to pass a bill for the benefit of one office holder.

**Majority Amendment (0575h)**

Amend RSA 655:10, I as inserted by section I of the bill by replacing it with the following:

**I.** No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section, incompatible offices shall include the offices of governor, *United States senator, United States representative*, representative to the general court, state senator, [and] councilor, *county sheriff, county attorney, county treasurer, register of deeds, and register of probate*. If any person shall file for [such] incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices he *or she* wishes to retain in order to seek said nomination. If a filing fee has been paid for a declaration of candidacy which [he] *the person* declines, the fee shall be returned to [him] *the person*. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. [~~No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.~~]

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 395**, relative to proof of qualifications for voter registration. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark S. Derby for the Majority of Election Law: This legislation would amend RSA 654:7-a, II to require that first time voter registrants produce appropriate proof of qualification to vote and sign an affidavit that he or she is a qualified voter and has not voted and will not vote elsewhere in the election at which the registrant seeks to register. Appropriate proof of qualification to vote includes proof of United States citizenship and any other reasonable documentation which indicates the applicant is a United States Citizen, as defined in RSA 654:12(a), as well as proof of domicile as defined in RSA 654:12(c). The majority believes that this legislation will deter and reduce voter fraud and enhance the integrity of the electoral process. Vote 10-6.

Rep. David E. Cote for the Minority of Election Law: The minority is of the opinion that this bill is unnecessary since first time voters already have the option of signing an affidavit under penalty of perjury. We believe that the provisions of this bill may be applied in a discriminatory fashion, will unnecessarily discourage voter registration, and unnecessarily increase waiting lines at the polls. There was no showing of voter fraud presented to the committee. Therefore, there is no need to make the current permissive law mandatory.

Rep. Stritch spoke against and moved Recommit to committee.

Adopted.

Recommitted to Election Law.

**HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for the Majority of Election Law: This bill is an important part of the ongoing authority the legislature has over the manner and conduct of elections. The legislature created the Ballot Law Commission to make sure that elections were carried out according to the law and to resolve certain election disputes. Since its creation, the law has been updated many times, in the 1940's, 1970's and in the early 1990's. This bill further updates the Ballot Law commission statutes by clarifying the scope and extent of the Commission's authority and by making various changes, which will allow the Commission to better fulfill its intended function. The number of commissioners is increased from 3 to 5 and the appointment process is changed so that the speaker, president of the senate, and governor appoint the members. The Supreme Court would no longer have an appointment. The jurisdiction provisions are tightened up so that the law states exactly the type of election disputes the commission may consider and more clearly specifies which decisions may be appealed to the Supreme Court. The bill also makes it clear that the commission does not have the authority to order second recounts. This bill ensures that the legislatively created Ballot Law Commission functions as the legislature intended it should. Vote 10-6.

Rep. Raymond Buckley for the Minority of Election Law: This bill is an astonishing example of the abuse of power that one party rule manifests. It destroys the respected, highly regarded quasi-judicial role of the three member Ballot Law Commission. HB 693 recreates the Ballot Law Commission into a five member partisan political body, destroying the sanctity of the Ballot Law Commission. Currently the Ballot Law Commission is constituted with two members appointed by the governor and council and a member appointed by the Supreme Court. HB 693 changes the commission to five members with two members appointed by the speaker of the house, two by the president of the senate and one by governor and council. HB 693 also removes the requirement that one member of the Ballot Law Commission be a lawyer and also prohibits any office holder (at any level) or any election official (at any level) from being a member of the Ballot Law Commission. The Ballot Law Commission has the responsibility to ensure that every person's vote is counted and every candidate has an equal opportunity to run for public office, destroying that sanctity to ensure one party rulings is nothing short of an abuse of power by the majority.

### **Majority Amendment (0550h)**

Amend the bill by replacing section 3 with the following:

3 Number of Recounts. Amend RSA 660:3 to read as follows:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ballot law commission, as provided in RSA [665:6; H] 665:8, *II. If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount.*

Majority amendment adopted.

Reps. Buckley and Burling spoke against and yielded to questions.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 244 NAYS 119**

**YEAS 244**

**BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James

Allen, Janet  
Dewhirst, Glenn  
Laflam, Robert  
Thomas, John

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Wendelboe, Fran

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Whalley, Michael

**CARROLL**

Babson, David Jr	Derby, Mark	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Royce, H Charles	Smith, Edwin

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Toll, John Jr	

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Naro, Debra	Sorg, Gregory
Williams, Burton			

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Brundige, Robert	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Infantine, William	Jasper, Shawn
Kerns, J Edward	Kurk, Neal	LaFlamme, Paul	Lawrence, James
Leach, Edward	Lessard, Rudy	Luebker, Bernard	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Mooney, Maureen	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Spiess, Paul	Stepanek, Stephen	Sullivan, Jeffrey	Tahir, Saghir
Tate, Joan	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Currier, David	Dunne, Christopher	Field, William
Foley, Albert	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen
Leber, William	MacKay, James	Marple, Richard	McCormick, Tom
Nutter, Edward	Oliver, James	Ouellette, Robert	Reed, Dennis
Soltani, Tony			

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas



Gleason, John  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Scamman, Stella  
Stritch, C Donald  
Welch, David  
Winchell, George

Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Smith, Donald  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Headd, James  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Priestley, Anne  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Twombly, James

Bemis, Alan  
Harrington, Michael  
Woods, Phyllis

Bickford, David  
Newton, Clifford

Campbell, W Packy  
Scott, David

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 119

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, Irene  
Slack, Pamela

Batchelder, Robert  
Meader, David  
Pratt, John  
Tilton, Anna

Dunn, James  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

Woodward, David

### GRAFTON

Almy, Susan  
Densmore, Edward  
Nordgren, Sharon

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Gionet, Edmond  
Sokol, Hilda

Cooney, Mary  
Hammond, Lee  
Solomon, Peter

### HILLSBOROUGH

Baroody, Benjamin  
Clemons, Jane  
Gorman, Mary  
Katsiantonis, Thomas  
Malloy, Chris  
Pappas, Christopher  
Shaw, Barbara

Brassard, Paul  
Cote, David  
Haley, Robert  
Konyas, Christine  
McDonough-Wallace, Alice  
Pilotte, Maurice  
Sullivan, Francis

Buckley, Raymond  
Cote, Peter  
Irwin, Anne-Marie  
Lasky, Bette  
Messier, Irene  
Ross, Lawrence  
Sullivan, Peter

Clayton, William  
Craig, James  
Johnson, Lionel  
Lefebvre, Roland  
Palangas, Eric  
Schulze, Joan

### MERRIMACK

Blanchard, Elizabeth  
Daniels, Eric  
French, Barbara  
Osborne, Jessie  
Rush, Deanna

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Owen, Derek  
Wallner, Mary Jane

Brueggemann, Donald  
DeJoie, John  
Hamm, Christine  
Perkins, Randy

Clarke, Claire  
DeStefano, Stephen  
Lockwood, Priscilla  
Potter, Frances

**ROCKINGHAM**

Blanchard, MaryAnn  
Gould, Kenneth  
Pitts, Jacqueline  
Vallone, Matthew

Casey, Kimberley  
McEachern, Paul  
Robertson, Carl

Coes, Betsy  
Norelli, Terie  
Shultis, Elizabeth

Davidson, Robert  
Pantelakos, Laura  
Splaine, James

**STRAFFORD**

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Smith, Marjorie  
Taylor, Kathleen

Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith  
Wall, Janet

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Phinzy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

and the majority committee report was adopted.  
Ordered to third reading.

**HB 443**, granting prescriptive authority to qualified psychologists. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is aware that technology and training in health care is expanding very quickly and that bills similar to this bill are being looked at by at least 12 other states. However, at this time only one other state, New Mexico, has passed such legislation and to date has not certified a single psychologist to prescribe medications. Two states have passed legislation prohibiting psychologist from prescribing medication, New York and Connecticut. Additionally, every state health care organization in New Hampshire is opposed to this legislation including the Dept. Of Health and Human Services, the NH Board of Pharmacy, the NH Medical Society and Board of Medicine, as well as many others who came forward with written or oral testimony. In fact, licensed psychologists in New Hampshire are divided on this issue. Only 13% support this legislation. 17% are absolutely against this legislation and 70% don't know what they want. The committees heard over four hours of testimony on HB 443 and found that psychologists are not medical doctors and do not currently receive the same in-depth medical training as medical doctors. There appears to be enough qualified prescribers in the medical community to address the needs of New Hampshire citizens. therefore, there is no need for further consideration of this legislation at this time. Vote 18-2.

Rep. DeJoie spoke against.

Rep. Dexter spoke in favor.

Adopted.

**HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy A. Coes for Finance: Passage of this bill, as amended, will ensure the continuance of the successful Agricultural Nutrient Management Grant Program established in 2001. This program provides technical assistance and small capital grants to owners of agricultural land or livestock to alleviate water pollution problems arising from fertilizer use and animal manure. Funding will come from increasing the fertilizer product registration fee from \$50 to \$75 and will apply \$20,000 to match two grants available for non-profit source pollution and water quality protection through DES. This is an important program for New Hampshire's struggling small farms. Vote 23-0.

**Amendment (0303h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Fertilizers; Registration. Amend RSA 431:4, 1 to read as follows:

1. Each brand and grade of fertilizer shall be registered in the name of that person whose name appears upon the label before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished by the commissioner and shall be accompanied by a fee of [\$50] \$75 per grade of each brand sold.

## AMENDED ANALYSIS

This bill provides for funding for the agricultural nutrient management program through June 30, 2005, and requires the commissioner to apply through the department of environmental services for a grant from the Environmental Protection Agency.

This bill also raises the fee for fertilizer registration.

Adopted.

Report adopted and ordered to third reading.

# **HB 720-FN-L, extending the kindergarten aid program. OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: The committee feels that it is the obligation of the state to continue to support kindergarten programs that were previously approved and have received less than the promised three years' aid. Under the amendment it is possible for new kindergarten programs to qualify before June 30, 2005. \$1,539,600 would lapse this year if this bill is not passed, but we believe the money is more appropriately used for kindergarten. Vote 17-4.

## **Amendment (0597h)**

Amend the bill by replacing sections 1-2 with the following:

1 Public Kindergarten Programs; Per Pupil Reimbursement. Amend 1999, 65:9, 1(a) as amended by 2000, 289:2, as amended by 2001, 158:37 to read as follows:

1.(a) If a school district implements a public kindergarten program during school year 1999-2000 through school year ~~[2002-2003]~~ **2004-2005** inclusive, the school district maintaining such a kindergarten program shall receive reimbursement at the rate of \$1200 per pupil from the education trust fund created in RSA 198:39 for each fiscal year through June 30, ~~[2003]~~ **2005**.

2 Adequate Education Grants; Footnote Added. Amend 2001, 130:1, 06, 03, 02, 02, 04, class 91 to read as follows:

06 EDUCATION	FISCAL YEAR 2002	FISCAL YEAR 2003
03 DEPARTMENT OF EDUCATION		
02 OFFICE OF THE DEP COMMISSIONER		
02 FINANCIAL AID TO DISTRICTS-ST.		
04 ADEQUATE EDUCATION GRANTS		
90 HARDSHIP GRANTS	5,000,000	5,000,000
91 ADEQUATE EDUCATION GRANTS*	882,630,084	899,495,135
TOTAL	887,630,084	904,495,135

*\* The total appropriated in Class 91 includes \$1,972,800 for fiscal year 2002 for kindergarten aid and \$2,625,600 in fiscal year 2003 for kindergarten aid. The amount appropriated for kindergarten aid in fiscal year 2003 shall not lapse until June 30, 2005.*

## AMENDED ANALYSIS

This bill extends kindergarten aid through June 30, 2005 for those school districts which implemented a public kindergarten program during school year 1999-2000 through school year 2005-2005 inclusive.

Adopted.

Report adopted and ordered to third reading.

# **HB 190, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. INEXPEDIENT TO LEGISLATE**

Rep. Nelson S. Allan for Legislative Administration: This bill directs the Speaker of the House and President of the Senate to assign the matter of a disputed rule(s) failure to meet "legislative intent" to the respective House and Senate standing committees for disposition. This bill does not provide a timely resolution process or methodology for dissimilar interpretation of "legislative intent" between the House and Senate. The bill also proposed to override house and senate rules for joint resolution introduction and deletes the current 90 day implementation schedule. The potential far ranging unintended consequences convinced the committee that the bill should be Inexpedient to Legislate. A study bill on the legislative rules is currently being "retained" and may be a vehicle to pursue a more in-depth study of this issue. Vote 13-0.

Adopted.

**HB 344**, relative to a supplemental veteran designation for legislative license plates. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Legislative Administration: This bill would allow a supplemental veteran designation for legislative license plates. While the entire committee is very sympathetic to the sponsors intent, many are veterans or married to veterans. The majority of the committee felt that legislative plates are exactly that, not anything else. The controversy over license plates would only be exacerbated by doing this and would open the door for other special interest groups to petition the legislature for special designations on their legislative license plates. Vote 8-5. Adopted.

**HCR 12**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Legislative Administration: Since the New Hampshire legislature adopted HCR 8 in 1979, a call for a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget, this body has reviewed nine attempts to rescind the call. Each of these had failed. While this issue has stirred extensive debate, this body has consistently voted in opposition to this measure. The history of this effort has told us that the majority of the people of New Hampshire wants and expects their federal government to be accountable for their tax dollars just as we are here in New Hampshire. Additionally to rescind this resolution would send the wrong message to Congress and to other states that are also calling for this action that we do not care about this issue any longer. Vote 12-2.

Adopted.

**HJR 2**, requiring the assignment of oversight of state agencies to legislative policy committees. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Burling for Legislative Administration: This bill was the subject of passionate and focused debate in committee. Some members felt strongly that passage of this legislation might confuse the power of the Speaker to define the duties of committees. Others were concerned about the provisions in the bill, which deal with administrative rules provisions, which the committee will address, in other legislation. Vote 14-0.

Adopted.

**HCR 7**, opposing unfunded and under-funded federal education mandates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ken Hawkins for the Majority of State-Federal Relations and Veterans Affairs: The majority of the committee felt that we have passed and sent to the United States Congress and United States Senate HCR 3 stating opposition to unfunded mandates. The House has also passed HB 786 that requires the federal government to adhere to the policy of no mandates without funding that this resolution is redundant. Vote 12-2.

Rep. Cynthia P. Sweeney for the Minority of State-Federal Relations and Veterans Affairs: The minority feels that while we laud and approve of the "No Child Left Behind" program, we are adamantly opposed to unfunded or underfunded programs being thrust upon this state by the federal government.

Majority report adopted.

**HB 595-FN-A**, establishing an exemption from the electricity consumption tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill would exempt the first 2,500,000 kilowatt hours of electric energy which a person (corporation) generates for their own use. The tax on electricity is a consumption tax. It is not based on how or where the electricity is generated. The maximum exemption which would be granted under this bill would be \$1,375. This amount would not be a significant factor when deciding whether or not to generate electricity. The loss of revenue to the state could exceed \$166,000 per year. Vote 13-0.

Adopted.

**HB 701-FN**, relative to fees for low-digit number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Peyton B. Hinkle for Ways and Means: This bill calls for a vanity number plate fee to be charged for low-number license plates; i.e. plates numbered from 1 to 9,999. Testimony indicated

that many people with low-numbered plates have them as a result of having the plates for many years, and have paid taxes and fees for all that time. This bill would unfairly penalize them for being long-term residents. It was also pointed out that the elderly will find it easier to remember a number that they have had a number of years, rather than have to change numbers due to an increased fee. Vote 11-2.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 269 NAYS 83

### YEAS 269

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Flanders, Donald	Holbrook, Robert	Lawton, David
Nedeau, Stephen	Pilliod, James	Thomas, John	Whalley, Michael

#### CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Merrow, Harry	Mock, Henry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

#### CHESHIRE

Batchelder, Robert	Dexter, Judson	Eaton, Daniel	Espiefs, Peter
Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
Manning, Joseph	Parkhurst, Henry	Pratt, Irene	Royce, H Charles
Smith, Edwin	Webber, Amy		

#### COOS

Brady, Mark	Mears, Edgar	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

#### GRAFTON

Akins, Ralph	Barker, Robert	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Ingbretson, Paul	Maybeck, Margie	Naro, Debra	Nordgren, Sharon
Sorg, Gregory	Williams, Burton		

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Beaton, William
Bergin, Peter	Bouchard, David	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Cote, Peter	Coughlin, Pamela
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Graham, John
Greenberg, Gary	Hagan, Barbara	Haley, Robert	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Hopper, Gary	Infantine, William	Jasper, Shawn
Johnson, Lionel	Kurk, Neal	LaFlamme, Paul	Lawrence, James
Leach, Edward	Lefebvre, Roland	Lessard, Rudy	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mooney, Maureen	Mosher, William	O'Brien, Lori
Ober, Russell III	Palangas, Eric	Pappas, Marc	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Slocum, Lee
Spies, Paul	Stepanek, Stephen	Sullivan, Francis	Sullivan, Jeffrey
Tahir, Saghir	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Colcord, J D	Currier, David	Daniels, Eric	Davis, Frank
Dunne, Christopher	Field, William	Foley, Albert	Fraser, Leo Jr
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf
Kenison, Leon	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
McCormick, Tom	Nutter, Edward	Oliver, James	Osborne, Jessie
Ouellette, Robert	Perkins, Randy	Reed, Dennis	Rush, Deanna

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Cady, Harriet	Camm, Kevin	Carson, Sharon
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Doyle, Christopher	Duffy, James	Dupuis, Roland
Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Holland, James Jr
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Manning, John	McCann, Richard
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Robertson, Carl	Roessner, Kurt
Ruffner, Walter	Scamman, Stella	Smith, Donald	Smith, Paul
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Waterhouse, Kevin	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Creteau, Irene	Dunlap, Patricia	Harrington, Michael	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Scott, David	Spang, Judith
Twombly, James	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Rodeschin, Beverly		

**NAYS 83****BELKNAP**

Dewhirst, Glenn	Fitzgerald, James	Lafam, Robert	Wendelboe, Fran
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**CARROLL**

Derby, Mark

**CHESHIRE**

Allen, Peter	Dunn, James	Meader, David	Mitchell, McKim
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Tilton, Anna
Weed, Charles			

**COOS**

Guay, Lawrence	King, Frederick	Poulin, Richard	Pratt, Leighton
Theberge, Robert			

**GRAFTON**

Alger, John	Almy, Susan	Benn, Bernard	Dorsett, Andrew
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	

**HILLSBOROUGH**

Baroody, Benjamin	Barry, J Gail	Bergeron, Jean-Guy	Buckley, Raymond
Cernota, Albert	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Gorman, Mary	Hall, Charles	Holden, Randolph
Irwin, Anne-Marie	Katsiantonis, Thomas	Kerns, J Edward	Konys, Christine
Lasky, Bette	Luebkert, Bernard	McElroy, Henry Jr	Pappas, Christopher
Souza, Kathleen	Sullivan, Peter	Tate, Joan	

**MERRIMACK**

Brueggemann, Donald	DeJoie, John	DeStefano, Stephen	French, Barbara
Hamm, Christine	Leber, William	Owen, Derek	Potter, Frances
Soltani, Tony	Wallner, Mary Jane		

**ROCKINGHAM**

Casey, Kimberley	Clark, Vivian	Coes, Betsy	Dumaine, Dudley
Norelli, Terie	Pantelakos, Laura	Quandt, Matthew	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

**STRAFFORD**

Cataldo, Sam	Grassie, Anne	Newton, Clifford	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis	Woods, Phyllis	

**SULLIVAN**

Donovan, Thomas	Ferland, Brenda	Phinizz, James
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and the committee report was adopted.

Rep. Kerns voted nay and intended to vote yea.

Reps. Dionne, Elliott, Marple, Pepino, Rollo, Winchell and Woodward declared conflicts of interest and did not participate.

### **HB 773, establishing a committee to study a tuition tax credit program. OUGHT TO PASS WITH AMENDMENT**

Rep. Peyton B. Hinkle for Ways and Means: This bill creates a committee to study the benefits of establishing a tuition tax credit program for non-public school education alternatives. The majority of the committee felt it was worthwhile to explore this approach to improving overall education in the state. A primary goal of the study committee will be to assess how such a program can be structured to achieve a balance between revenue receipts and expenditures. Vote 9-5.

#### **Amendment (0625h)**

Amend the bill by replacing section 3 with the following:

##### **3 Duties.**

I. The committee shall study the benefits of establishing a tuition tax credit program and the financial impact of granting a credit against state taxes for tuition paid to nonpublic schools or to qualifying nonprofit student scholarship programs. Such a program may:

(a) Allow parents of students to choose a nonpublic school education and to receive a credit against the statewide education property tax, the interest and dividends tax, or the business profits tax; and

(b) Allow other taxpayers to receive a similar credit by contributing to a qualifying nonprofit student scholarship organization which pays the tuition for eligible nonpublic school students.

II. The committee shall examine various scenarios related to eligibility levels, tax credit caps, household income thresholds, and estimated participation in order to determine financial impact on the state, the nonpublic school education programs, and the taxpayers of New Hampshire. A principal goal of the committee shall be to assess how and if such a program can be structured to be combined revenue expenditure balanced to state and local government obligations for funding public education.

Adopted.

Report adopted and ordered to third reading.

**HB 789**, relative to a nonbinding referendum to measure voter support for casino gambling in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Gibson for Ways and Means: New Hampshire is not a referendum state. The majority of the committee believes that a non-binding referendum to measure the support for casino gambling is not needed. Given the many polls and ample testimony at public hearings, the majority of the committee believes that the issue of expanded gambling is now best addressed through the legislative process. Vote 13-3.

Reps. Gionet and DiFruscia spoke against.

Reps. Gibson and Christopher Pappas spoke in favor.

Rep. Gionet requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 285 NAYS 76

### YEAS 285

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Lawton, David
Nedeau, Stephen	Pilliod, James	Thomas, John	Wendelboe, Fran
Whalley, Michael			

#### CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	McConkey, Mark
Morrow, Harry	Mock, Henry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Tilton, Anna	Webber, Amy	

#### COOS

Brady, Mark	Pratt, Leighton	Stohl, Eric	Tholl, John Jr
Woodward, David			

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hammond, Lee	Ingbretson, Paul	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	Williams, Burton

#### HILLSBOROUGH

Adams, Jarvis	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Buhlman, David	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fletcher, Richard	Ford, Nancy	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Haytayan, Harry Jr	Hinkle, Peyton	Hopper, Gary
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Johnson, Lionel
Katsiantonis, Thomas	Konys, Christine	Kurk, Neal	Lawrence, James



Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Ober, Russell III  
Pilotte, Maurice  
Rowe, Robert  
Souza, Kathleen  
Tahir, Saghir

Luebker, Bernard  
McRae, Karen  
Mooney, Maureen  
Pappas, Christopher  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Tate, Joan

McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Reeves, Sandra  
Schulze, Joan  
Sullivan, Jeffrey  
Wheeler, James

McElroy, Henry Jr  
Messier, Irene  
O'Brien, Lori  
Pepino, Leo  
Ross, Lawrence  
Slocum, Lee  
Sullivan, Peter  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Marple, Richard  
Owen, Derek  
Wallner, Mary Jane

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
French, Barbara  
Hess, David  
Leber, William  
McCormick, Tom  
Potter, Frances

Bouchard, Candace  
Daniels, Eric  
Dunne, Christopher  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Nutter, Edward  
Reed, Dennis

Brueggemann, Donald  
Davis, Frank  
Field, William  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Oliver, James  
Soltani, Tony

### ROCKINGHAM

Allen, Mary  
Cady, Harriet  
Clark, Vivian  
Dearborn, Bruce  
Dupuis, Roland  
Francoeur, Sheila  
Gould, Kenneth  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McEachern, Paul  
Noyes, Richard  
Putnam, Ed II  
Scamman, Stella  
Splaine, James  
Vallone, Matthew  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
Coes, Betsy  
Dodge, Robert  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Shultis, Elizabeth  
Stone, Joseph  
Varrell, Thomas  
Wiley, Robert

Blanchard, MaryAnn  
Carson, Sharon  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morris, Richard  
Packard, Sherman  
Roessner, Kurt  
Smith, Donald  
Stritch, C Donald  
Waterhouse, Kevin  
Zolla, William

Bridle, Russell  
Casey, Kimberly  
Davidson, Robert  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Headd, James  
Itse, Daniel  
Kelley, Jane  
McCann, Richard  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Smith, Paul  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Spang, Judith  
Woods, Phyllis

Campbell, W Packy  
Grassie, Anne  
Kaen, Naida  
Newton, Clifford  
Scott, David  
Twombly, James

Cataldo, Sam  
Harrington, Michael  
Keans, Sandra  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Creteau, Irene  
Heon, Richard  
Knowles, William  
Rous, Emma  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter  
Phinizz, James

Cloutier, John  
Harris, Joseph  
Rodeschin, Beverly

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

### NAYS 76

### BELKNAP

Boyce, Laurie

Dewhirst, Glenn

Laflam, Robert

### CARROLL

Derby, Mark

Kenney, Bettie

**CHESHIRE**

Slack, Pamela

Smith, Edwin

Weed, Charles

**COOS**

Guay, Lawrence

King, Frederick

Mears, Edgar

Poulin, Richard

Richardson, Herbert

Theberge, Robert

**GRAFTON**

Benn, Bernard

Gionet, Edmond

Giuda, Robert

Maybeck, Margie

Sorg, Gregory

**HILLSBOROUGH**

Allan, Nelson

Balcom, John

Baroody, Benjamin

Cail, Kenneth

Christensen, D L Chris

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Fields, Dennis

Gorman, Mary

Goyette, Peter Jr

Haley, Robert

Hawkins, Ken

Holden, Randolph

Kerns, J Edward

LaFlamme, Paul

Lasky, Bette

Lefebvre, Roland

Lessard, Rudy

Malloy, Chris

Palangas, Eric

Shaw, Barbara

Spiess, Paul

Sullivan, Francis

Vaillancourt, Steve

**MERRIMACK**

Foley, Albert

Kenison, Leon

Osborne, Jessie

Ouellette, Robert

Perkins, Randy

Rush, Deanna

**ROCKINGHAM**

Belanger, Ronald

Bishop, Franklin

Cooney, Richard

DiFruscia, Anthony

Duffy, James

Ingram, Russell

Johnson, Robert

Langley, Jane

Langone, John

Manning, John

McMahon, Charles

Pantelakos, Laura

Priestley, Anne

Robertson, Carl

Weldy, Norman Jr

Winchell, George

**STRAFFORD**

Albert, Russell

Bemis, Alan

Hofemann, Roland

Taylor, Katherine

Taylor, Kathleen

**SULLIVAN**

Burling, Peter

Donovan, Thomas

Leone, Richard

and the committee report was adopted.

**HB 805, establishing a consensus revenue estimating panel. OUGHT TO PASS WITH AMENDMENT**

Rep. Russell F. Ingram for Ways and Means: This bill puts into statute the Governor's revenue estimating panel that was established in 1997 by executive order. It strengthens the independence and effectiveness of the panel. The purpose of the Revenue Estimating Panel is to assist the Governor and the Legislature in providing more consistent and credible long-range trends for the state. The panel consists of members of the House and Senate, the Executive branch, and members of the business and academic communities. The bill requires the panel to issue quarterly reports and sets a term of three years for each of its members. The Governor supports the bill as does the Treasurer and former Commissioner of Revenue, and the former Chairman of the House Ways & Means committee. The committee believes that this bill makes significant improvements to the resources available to the state executive and legislative branches to timely and credibly forecast the revenues. Vote 12-4.

**Amendment (0618h)**

Amend RSA 17-Q:4 and 17-Q:5 as inserted by section 1 of the bill by replacing them with the following:

17-Q:4 Chairperson; Quorum. The members of the panel shall elect a chairperson from among the members. The panel shall adopt rules for its procedures and meetings. Six members of the panel shall constitute a quorum. In conducting its business, the panel may solicit relevant information and testimony from a variety of sources, including:

- I. The legislative budget assistant.
- II. The commissioner of the department of revenue administration.
- III. The commissioner of administrative services.
- IV. The commissioner of the department of transportation.
- V. The commissioner of the department of safety.
- VI. The commissioners of the state liquor commission.
- VII. The commissioner of the department of insurance.
- VIII. The commissioner of the department of health and human services.

17-Q:5 Report. The panel shall provide quarterly reports of its findings and recommendations on November 1, February 1, May 1, and August 1 to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, the chairs of the house and senate ways and means and finance committees, and the state library. The first such report shall be filed on November 1, 2003.

Adopted.

Report adopted and ordered to third reading.

### **HB 809, establishing a committee to study implementing a consumption tax. INEXPEDIENT TO LEGISLATE**

Rep. John M. Gibson for Ways and Means: The legislature has grappled with the idea of the consumption tax for the last several years. Establishing a committee to study the implementation of a consumption tax infers that there is a need and support for such a tax. The issue of a consumption tax has been extensively debated on the floor of the legislature and rejected by substantial margins. No new information or ideas were presented to the committee during the public hearing on this bill or thereafter. The majority of the Ways and Means Committee believes that no new study is warranted. Vote 13-3.

Adopted.

### **BILLS REMOVED FROM CONSENT CALENDAR**

### **HB 386, establishing a committee to study individual development accounts. INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Finance: This bill establishes a committee to study individual development accounts (IDAs). The majority of the committee agrees that IDAs need to be studied. However, we feel that the Finance Committee contains enough expertise within its own membership to study this issue over the summer. We believe we can study the tax credit issue, the general fund appropriation fund issue and the use of TANF funds to support IDAs as well as seek outside testimony to aid us in our discussions and deliberations. It is not necessary at this time to pass a bill to direct us to study this issue. Vote 18-2.

Rep. Peter Sullivan spoke against.

Rep. Emerton spoke in favor and yielded to questions.

Rep. Peter Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### **YEAS 250 NAYS 110**

#### **YEAS 250**

#### **BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### **CARROLL**

Babson, David Jr	Derby, Mark	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

#### **CHESHIRE**

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Robertson, Timothy
Royce, H Charles	Smith, Edwin	Webber, Amy	

**COOS**

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Williams, Burton

Alger, John  
Eaton, Stephanie  
Ingbretson, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carter, Jeffrey  
Christensen, D L Chris  
Dokmo, Cynthia  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Hawkins, Ken  
Hopper, Gary  
LaFlamme, Paul  
Luebker, Bernard  
Messier, Irene  
Ober, Russell III  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

Allan, Nelson  
Barry, J Gail  
Bergin, Peter  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Drisko, Richard  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jasper, Shawn  
Lawrence, James  
McElroy, Henry Jr  
Milligan, Robert  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Cail, Kenneth  
Cernota, Albert  
Coughlin, Pamela  
Elliott, Larry  
Ford, Nancy  
Goyette, Peter Jr  
Hansen, Ryan  
Hinkle, Peyton  
Johnson, Lionel  
Leach, Edward  
McRae, Karen  
Mooney, Maureen  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert  
Desmarais, Vivian  
Emerton, Larry  
Gibson, John  
Graham, John  
Harrington, Paul  
Holden, Randolph  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Daniels, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
McCormick, Tom  
Reed, Dennis

Clarke, Claire  
Dunne, Christopher  
Hager, Elizabeth  
Kenison, Leon  
Lockwood, Priscilla  
Nutter, Edward

Colcord, J D  
Field, William  
Hamm, Christine  
Kennedy, Richard  
MacKay, James  
Oliver, James

Currier, David  
Foley, Albert  
Hess, David  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

**ROCKINGHAM**

Allen, Mary  
Carson, Sharon  
Cooney, Richard  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella

Belanger, Ronald  
Casey, Kimberley  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Robertson, Carl  
Smith, Donald

Bicknell, Elbert  
Clark, Vivian  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Smith, Paul

Camm, Kevin  
Coes, Betsy  
DiFruscia, Anthony  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph

Stritch, C Donald  
Welch, David  
Zolla, William

Tufts, J Arthur  
Weldy, Norman Jr

Varrell, Thomas  
Wiley, Robert

Waterhouse, Kevin  
Winchell, George

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Johnson, Nancy  
Scott, David

Bemis, Alan  
Dunlap, Patricia  
Keans, Sandra  
Twombly, James

Bickford, David  
Grassie, Anne  
Knowles, William  
Woods, Phyllis

Campbell, W Packy  
Harrington, Michael  
Newton, Clifford

### SULLIVAN

Donovan, Thomas  
Jones, Constance

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Rodeschin, Beverly

Harris, Joseph

### NAYS 110

### BELKNAP

Boyce, Laurie

None

### CARROLL

### CHESHIRE

Allen, Peter  
Hunt, John  
Richardson, Barbara

Batchelder, Robert  
Mitchell, McKim  
Slack, Pamela

Dunn, James  
Parkhurst, Henry  
Tilton, Anna

Espiefs, Peter  
Pratt, Irene  
Weed, Charles

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

### GRAFTON

Almy, Susan  
Densmore, Edward  
Nordgren, Sharon

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Hammond, Lee  
Sokol, Hilda

Cooney, Mary  
Naro, Debra  
Solomon, Peter

### HILLSBOROUGH

Balcom, John  
Clayton, William  
Craig, James  
Hagan, Barbara  
Irwin, Anne-Marie  
Lefebvre, Roland  
O'Brien, Lori  
Schulze, Joan  
Tate, Joan

Baroody, Benjamin  
Clemons, Jane  
Crane, Elenore Casey  
Haley, Robert  
Katsiantonis, Thomas  
Malloy, Chris  
Palangas, Eric  
Shaw, Barbara

Brassard, Paul  
Cote, David  
Dionne, Kimberley  
Hallyburton, Margaret  
Konys, Christine  
McDonough-Wallace, Alice  
Pappas, Christopher  
Sullivan, Francis

Buckley, Raymond  
Cote, Peter  
Gorman, Mary  
Infantine, William  
Lasky, Bette  
McHugh, Claire  
Pilotte, Maurice  
Sullivan, Peter

### MERRIMACK

Blanchard, Elizabeth  
DeJoie, John  
Osborne, Jessie  
Rush, Deanna

Bouchard, Candace  
DeStefano, Stephen  
Owen, Derek  
Soltani, Tony

Brueggemann, Donald  
French, Barbara  
Perkins, Randy  
Wallner, Mary Jane

Davis, Frank  
Gile, Mary  
Potter, Frances

### ROCKINGHAM

Bishop, Franklin  
Davidson, Robert  
Pitts, Jacqueline  
Weyler, Kenneth

Blanchard, MaryAnn  
McEachern, Paul  
Shultis, Elizabeth

Bridle, Russell  
Norelli, Terie  
Splaine, James

Cady, Harriet  
Pantelakos, Laura  
Vallone, Matthew

### STRAFFORD

Creteau, Irene  
Miller, Joseph  
Smith, Marjorie  
Taylor, Kathleen

Heon, Richard  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

Hofemann, Roland  
Rous, Emma  
Spang, Judith  
Wall, Janet

Kaen, Naida  
Schmidt, Peter  
Taylor, Katherine

## SULLIVAN

Allison, David  
Harris, Sandra

Burling, Peter  
Phinizy, James

Cloutier, John

Franklin, Peter

and the committee report was adopted.

**HB 614-FN-L**, requiring the state to pay the total expense of fighting forest and brush fires on any state owned park or forest land. **INEXPEDIENT TO LEGISLATE**

Rep. McKim W. Mitchell for Finance: Currently the state shares the cost of fire suppression with towns on a 50/50 basis. By paying 100% it is estimated that it would increase state expenditures in 2004 to \$10,395 and in 2005 to \$19,231. In view of the financial situation the state is in, we felt it would not be appropriate to raise the cost to the 100% level. Vote 18-5.

Rep. Rush spoke against.

Rep. Robert Wheeler spoke in favor.

On a division vote, 205 members having voted in the affirmative and 148 in the negative, the committee report was adopted.

## SPECIAL GUEST

Senator Jim Jones from Nebraska joined the Speaker on the rostrum.

## RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 25, 2003 at 10:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

**HB 303**, relative to life, accident, and health technicals.

**HB 528**, establishing a commission to study computer standards used in public schools in New Hampshire.

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005.

**HB 213**, relative to reporting requirements for dedicated funds.

**HB 606**, establishing a right-to-know study commission.

**HB 531**, relative to off-site improvements imposed on applicants to a planning board.

**HB 616-FN-L**, relative to the Hampton real estate trust fund.

**HB 368**, making technical corrections to the statutory list of dedicated funds.

**HB 752**, relative to the distribution of business tax revenues to the education trust fund.

**HB 770-FN-A**, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

**HB 394**, relative to incompatible offices.

**HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission.

**HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor.

**HB 720-FN-L**, extending the kindergarten aid program.

**HB 773**, establishing a committee to study a tuition tax credit program.

**HB 805**, establishing a consensus revenue estimating panel.

## UNANIMOUS CONSENT

Rep. Stephanie Eaton addressed the House.

Rep. Buckley addressed the House.

Without objection, the Speaker ordered that the remarks of Rep. Buckley be printed in the Permanent Journal.

## REMARKS

Rep. Buckley: Thank you, Mr. Speaker. Yesterday morning, a wonderful person died. Yesterday, Joanne L. Symons, a former member of the New Hampshire House representing Lebanon, lost her battle with cancer. Joanne was my boss, my friend, my mentor, my Jewish mother. Joanne was a strong, bold woman, a devoted wife and loving mother. In 1971, while at home with her two very

young boys, Joanne began her political career by volunteering in the campaign of George McGovern. During that campaign she met two other young mothers, Mary Chambers and Dudley Dudley and they became life-long friends. During the McGovern campaign, Joanne was encouraged to run for delegate to the Democratic National Convention and quickly gained a reputation as a skilled and talented political organizer. Later in 1972, Joanne was elected to the Democratic State Committee and served on the party platform committee. By 1974, she was on the party Executive Committee and was a chair of the platform committee. Also in 1974, Joanne joined her friends, Dudley and Mary, here in the House. Her abilities were so impressive that she was immediately named as Assistant Democratic Leader. Joanne went on to become a top leader in Mo Udalls's campaign for President and run Joe Grandmaison's congressional campaign in 1976.

In April, 1977, Joanne became the first woman ever to be elected chairman of a New Hampshire political party. Later that spring, following my high school graduation, Joanne hired me to serve as her assistant. Those years with Joanne were a tremendous experience for me. She taught me about the importance to be loyal, to be tough and to laugh. Due in no small part because of her quick wit and great skill, her legacy is the election of 1978. That was the year when the Democrats of New Hampshire celebrated a new Democratic governor, having two United States senators, a congressman, an executive councilor, 12 state senators and nearly 180 members of this House. In 1979, Joanne and Dudley went on to head the draft Ted Kennedy effort developing a national reputation. In 1980, Joanne went to Washington, DC to lead the political activities of the American Nurses' Association and to become a leading political player in our nation's capital. Once again, Joanne asked me to join her and I served as her aide in 1982.

Joanne was among a small group of powerful DC women who met regularly in 1984 that led to the selection of Geraldine Ferraro as the Vice-Presidential nominee, the first woman to ever do so. In 1987, she served as the top health aid advisor to Dick Gephardt's campaign for President. Newsweek even wrote that if Gephardt was elected, Joanne was going to be his choice to serve as his Secretary of Health and Human Services.

As the years wore on, Joanne's beloved husband, Alan, continued to teach; her boys grew up, married, and had children of their own. Joanne's influence on the national stage grew but her love for New Hampshire continued. In fact, just weeks before she was diagnosed, she was in the Upper Valley and making plans to return home. Joanne's love for this body was always on display in every office she ever had. Her New Hampshire legislative name plate was always there for anyone to see.

Yesterday morning this world lost a great woman and I lost a great friend. I loved her dearly. The House observed a moment of silence.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:35 p.m.

### RECESS

**(Rep. Brenda Ferland in the Chair)**

### ENROLLED BILL AMENDMENT

**HB 517-FN-L**, relative to the classification of certain roads in the town of Hillsborough and transferring ownership of any residual interest in a certain parcel of property from the state to the city of Keene.

### Amendment (0929 -EBA)

Amend the bill by replacing line 6 of section 3 with the following:

station 463+00 and Park Avenue in Keene, as shown on a plan entitled "Plans of Proposed Federal Adopted.

### RECESS

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Tuesday, March 25, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O Lord, during war, when hourly news brings word of more casualties, we lift up to You the sons and daughters of our military who have volunteered to defend our country; may the light of Your presence guide them through the darkness of these days. We especially pray for those who have died, for those who are wounded and for those who are held as prisoners. We pray for the military families who have lost loved ones and for all who await their loved one's safe return. Shelter the innocent and the weak who are the most defenseless.

Guide the work of this honorable House today. Bless and support the citizens of our beloved New Hampshire. May Your protective blessing also be with our police and fire service who stand guard at home to protect our communities. Bring peace quickly, O Lord. Amen.

Rep. James J. Duffy led the Pledge of Allegiance.

The National Anthem was sung by Brittany Desmarais, Sayr Hardy and Nathan Fulk, students at Concord Christian High School.

### LEAVES OF ABSENCE

Reps. Flanagan, Guay, Hunter, Robert Laflam, Rice, Scamman, Seldin and Weare, the day, illness. Reps. Nelson Allan, Bridle, Burling, Corbin, Daniels, Furman, McElroy, Moran, Oliver, O'Neil, Tate, Tilton and Woodward, the day, important business.

Rep. Pepino, the day, illness in the family.

Rep. Francoeur, the day, death in the family.

### INTRODUCTION OF GUESTS

Lori and Paul Waters, daughter and son-in-law of Rep. Davis. The 4<sup>th</sup> grade class of Seabrook Elementary School, guests of the Seabrook delegation.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 504**, relative to refinancing home mortgages, removed by Rep. Jacobson.

**HB 573-FN**, relative to motor vehicle insurance, removed by Rep. Lars Christiansen.

**HB 636-FN**, relative to mandatory automobile insurance, removed by Rep. Arnold.

**HB 680-FN**, relative to services contracts, removed by Rep. Vachon.

**HB 524-FN**, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm, removed by Rep. Tholl.

**HB 133-L**, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district, removed by Rep. Stephen L'Heureux.

**HB 119**, relative to removing names from the checklist, removed by Rep. Stritch.

**HB 795**, establishing a committee to study deaths and injuries caused by OHRV use by minors, removed by Rep. Nordgren.

**HB 787-FN-A**, relative to renewable energy promotion, removed by Rep. Michel Harrington.

Consent Calendar adopted.

### SUSPENSION OF RULES

Reps. Hess and Nordgren moved that the Rules be so far suspended as to allow referral of House Bills to a second committee after the March 13, 2003 deadline.

Adopted by the necessary two-thirds.

**HB 56**, establishing a study committee to examine the state foster care system. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposed a study committee to examine the state's foster care system. The committee appreciates the intent and concern of the bill's



sponsor regarding the safety and well being of children in foster care. However, after a careful review of the Office of Legislative Budget Assistant 2001 Performance Audit Report, the 2000 Task Force Report, a presentation on March 18, 2003 by the Director of DCYF, addressing the agency's progress on findings in both reports, and in consideration of an impending federal audit of the foster care system beginning in June 2003, the committee decided that an additional legislative study at this time would be premature. The committee plans to continue to monitor DCYF's progress on the aforementioned reports' recommendations and will request additional updates from DCYF throughout 2003-2004. Vote 13-1.

**HB 245**, relative to child custody decisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet F. Allen for Children and Family Law: The amendment replaces the bill. The amendment is a housekeeping measure which clarifies the existing statute relative to the controlling consideration in deciding child custody, which is the overall welfare of the child. Vote 15-0.

**Amendment (0432h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Annulment, Divorce and Separation; Support and Custody of Children; Custody Decision Based on Welfare of Child. Amend RSA 458:17, VI to read as follows:

VI. In making any order relative to such custody, the court shall not give any preference to either parent of the children because of the parent's sex. ~~[The court may take into consideration any preference shown by said children.]~~ *The paramount and controlling consideration in deciding child custody is the overall welfare of the child, and there is no one formula for all cases, each case being determined by its particular facts. Considerable weight may be given to the stated preference of a mature minor, provided that preference was not unduly influenced.* If the court determines that it is in the best interest and welfare of the children, it shall in its decree grant reasonable visitation privileges to a party who is a stepparent of the children or to the grandparents of the children pursuant to RSA 458:17-d. Nothing in this paragraph shall be construed to prohibit or require an award of custody to a stepparent or grandparent if the court determines that such an award is in the best interest of the child.

2 Effective Date. This act shall take effect January 1, 2004.

**AMENDED ANALYSIS**

This bill clarifies that child custody decisions are case-specific, based on the overall welfare of the child, and may take into consideration the preference of a mature minor.

**HB 268**, relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold Jr. for Children and Family Law: The committee felt that this was unnecessary legislation for a problem that is curable by better communication. It is anticipated the problem will be addressed by the Family Law Task Force. Vote 10-5.

**HB 357-FN**, relative to child support insurance settlement intercept. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill, requested by the Department of Health and Human Services, enables the department to contract services to identify insurance settlements to individuals with delinquent child support statements. It also strengthens the protection of insurance settlements for the replacement of real property and payment of past and future medical bills under all liens by the department. Vote 15-0.

**Amendment (0814h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Alternative Method of Support Enforcement for Dependent Children; Child Support Insurance Settlement Intercept. Amend RSA 161-C by inserting after section 3-d the following new section:

161-C:3-e Child Support Insurance Settlement Intercept. The department may provide certain information to public agencies or its contracted agents in order to intercept insurance settlement payments or judgements claimed by individuals who are subject to a child support lien pursuant to RSA 161-C and who owe past-due support. The department may identify such individuals by name, last 4 digits of the individual's social security number or other taxpayer identification

number, date of birth, last known address, employer, or any combination thereof. Any information provided by the department in accordance with this section shall remain the property of the state of New Hampshire and shall be purged by any public agency or contracted agent receiving said information upon completion of the data match exchange. The department may perform an audit to insure that any public agency or contracted agent has purged said information. The specific penalty for failure to purge the information shall be set forth in any contract or agreement between the department and any public agency or contracted agent made pursuant to this section. Any transaction cost incurred by the department related to the data match exchange shall be directly recovered by the department from any insurance settlement or judgment proceeds. Insurance settlement payments for casualty loss to personal or real property and past or future medical treatment shall be exempt from this section upon documentation that such individual either previously paid for the repair or replacement of the damaged property or paid or has assigned payment for past or future medical treatment prior to the insurance settlement payment being received by such individual or that such individual has legally assigned the insurance settlement payment for said purpose. Any settlement, payment, or judgment received under the provision of this section shall be held by the department for 60 days prior to its release or distribution unless otherwise agreed to by the parties.

2 Alternative Method of Support Enforcement for Dependent Children; Exemptions; Certain Payments for Casualty Loss Exempt. Amend RSA 161-C:11, I to read as follows:

I. Except as provided in paragraph II of this section, any property otherwise exempt from trustee process, attachment and execution shall be exempt from an order to withhold and deliver, administrative seizure and disposition, and lien and foreclosure. *Payments for casualty loss to personal or real property and past or future medical treatment shall be exempt from this section upon documentation that such individual either previously paid for the repair or replacement of the damaged property or paid or has assigned payment for past or future medical treatment prior to the insurance settlement payment being received by such individual or that such individual has legally assigned the insurance settlement payment for said purpose.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### **HB 447, limiting retroactive child support awards under the uniform act on paternity. OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The amendment is the bill. It is a new section in RSA 168-A:3 which sets time limits for retroactive child support. Vote 13-0.

#### **Amendment (0868h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Uniform Act on Paternity; Limitation on Child Support. Amend RSA 168-A by inserting after section 3 the following new section:

168-A:3-a Limitation on Retroactive Support Award. If the child is 3 months old or older, the father's liability for past education and support under RSA 168-A:1 is limited to amounts accrued from the date of service of the petition on the father or, if the court finds that the father is willfully avoiding service, from such date as the court determines is just and equitable. There is no limitation on retroactive support if the child is less than 3 months old.

2 Effective Date. This act shall take effect January 1, 2004.

#### **HB 486, relative to access to child support enforcement records. OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill authorizes the Division of Child Support Services (DCSS) to use the parent locator service to identify and notify the parent that is not living with their children of alleged child abuse and/or neglect. This is at the request of the Division of Children, Youth and Families (DCYF). Vote 13-0.

#### **Amendment (0294h)**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-2 to read as 2-3, respectively:

1 Alternative Method of Child Support Enforcement for Dependent Children; Access to Financial Records by Department of Health and Human Services Attorneys in Abuse and Neglect Proceedings. Amend RSA 161-C:3-a, IV to read as follows:

IV. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA 546-B, *attorneys employed by the department in RSA 169-C proceedings*, the client or the client's authorized representative and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by the rules of the department. Such records and information shall be available and used only for purposes directly connected with *the* establishment, enforcement, or modification of child support, *the location and notification of parents in RSA 169-C proceedings*, and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

#### AMENDED ANALYSIS

This bill permits attorneys employed by the department of health and human services in abuse and neglect cases to access certain financial records and the repository of parent locator information maintained by the office of child support enforcement.

This bill is a request of the department of health and human services.

**HB 620-FN**, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Cynthia J. Dokmo for Children and Family Law: This bill serves two purposes. First, it establishes a procedure which insures parents certain rights in various stages of a guardianship proceedings. Secondly, it provides a right to counsel for indigent parents in those proceedings. The committee believes that this proposal will adequately protect the rights of parents. Vote 17-0.

#### Amendment (0834h)

Amend RSA 463:7-a, II(a) as inserted by section 4 of the bill by replacing it with the following:

(a) That consent is being given voluntarily and knowingly the court may thereupon grant the petition if it further determines that the parent has consented to the granting of the petition; that a minor 14 years or older has no objection; and that the standards for guardianship under RSA 463:8, V or VII have otherwise been met.

Amend the bill by replacing section 9 with the following:

9 New Paragraph: Termination of Guardianships. Amend RSA 463:15 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph V, a time or condition limited guardianship under RSA 463:8, VII shall terminate upon submission of evidence to the court that the conditions necessitating guardianship have been removed or met. Any party may request a hearing. If neither party requests a hearing, the court may, prior to acting on the evidence, conduct a hearing, with notice to the parent, guardian and other individuals specified in RSA 463:6.

Amend RSA 463:17-a, V as inserted by section 11 of the bill by replacing it with the following:

V. Counsel appointed by the court pursuant to this chapter shall be compensated pursuant to RSA 490:26-f.

**HB 674-FN**, relative to legal representation for indigent parties under the Child Protection Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill codifies the Shelby R. decision and the provision of an attorney for cases under the Bill F. decision codified last year. This bill greatly strengthens the rights of non-offending parents to obtain custody of their children rather than having them placed in foster care. Vote 17-0.

#### Amendment (0807h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to legal representation for indigent parties and notification requirements under the Child Protection Act.

Amend the bill by replacing all after the enacting clause with the following:

1 Child Protection Act; Legal Representation for Indigent Parties. Amend RSA 169-C:10, II(a) to read as follows:

II.(a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent *or indigent stepparent residing in the home* alleged to have neglected or abused his or her child *or stepchild*. In addition, the court ~~[may]~~ *shall* appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if ~~[the parent is a household member and]~~ such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.

2 Child Abuse and Neglect Proceedings; Protective Custody; Notification of Non-custodial Parent. Amend RSA 169-C:6, II-V to read as follows:

II. If a police or juvenile probation and parole officer removes a child under paragraph I above, the officer:

(a) Shall inform the court forthwith whereupon continued protective custody pending a hearing may be ordered by the court;

(b) May take the child to a child protection services worker of the department; or

(c) May place the child in a foster home; if a child is placed directly in a foster home, the department shall be notified of the incident and where the child is placed within 24 hours, unless there is a physician involved and treating the child and the child is or will be taken to and admitted to a hospital; and

(d) Shall, when the child is removed from an individual other than a parent or a person legally responsible for the child, make every reasonable effort to inform ~~[the parent]~~ *both parents* or other ~~[person]~~ *persons* legally responsible for the child's care where the child has been taken.

III. Any police or juvenile probation and parole officer or other individual acting in good faith pursuant to this section, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or placement.

IV. The court shall hold a hearing on the matter within 24 hours of taking the child into protective custody, Sundays and holidays excluded. Notice shall be given to *both parents and* all parties designated by the petitioner or the court.

V. If a child is found by a child protection services worker of the department to be in imminent danger in such circumstances or surroundings and where immediate removal appears necessary to protect the child from such imminent danger, the department's child protection services worker shall contact a judge or clerk immediately for an order to remove the child. *Prior to any order authorizing foster placement, the child protective service worker shall inform the judge of efforts to locate any non-custodial parent or other relatives for temporary placement.*

3 Effective Date. This act shall take effect January 1, 2004.

#### AMENDED ANALYSIS

This bill requires the court to appoint an attorney for an indigent stepparent residing in the home alleged to have abused a stepchild in a child abuse or neglect case.

The bill also establishes new requirements for notice of protective custody hearings.

**HB 682-FN**, relative to dual sentencing of certain juveniles. **INEXPEDIENT TO LEGISLATE**  
Rep. Margaret D. Hallyburton for Children and Family Law: The prime sponsor initially requested that the bill be retained in committee to address the concerns raised by various agencies. Given that the subject matter of "dual sentencing" fits within the scope of responsibility of the existing Task Force on Juvenile Justice Service Capacity and Administrative Simplification created by last session's HB 179-FN, the sponsor agreed with the decision of the committee to find the bill inexpedient to legislate. The committee chairman will refer the subject matter of the bill, by memo, to the Task Force whose chair has agreed to the referral. Vote 14-0.

**HB 683-FN**, relative to escape or attempted escape from a juvenile facility. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The sponsor of this bill asked the committee not to go forward with this bill. Therefore, the committee agreed to recommend it inexpedient to legislate. Vote 14-0.

**HB 710-FN-L**, relative to the confidentiality of library user records. **INEXPEDIENT TO LEGISLATE**  
Rep. Irene A. Pratt for Children and Family Law: The sponsor requested that this bill be found inexpedient to legislate because an understanding has been reached with the New Hampshire Library Association to resolve the concerns of confidentiality, rights and responsibilities that had prompted this legislation. Vote 11-0.

**HB 70**, establishing a commission to study government actions that contribute to involuntary homelessness. **INEXPEDIENT TO LEGISLATE**  
Rep. Randolph Holden for Commerce: This bill was originally a study bill. The committee felt that in its current form it doesn't directly address the problem. Based on testimony, the problem of government action that contributes to involuntary homelessness deals with zoning laws and municipality regulations, and should be addressed to the appropriate committee. Vote 18-0.

**HB 207**, relative to information required in articles of incorporation. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen B. Stepanek for Commerce: The committee feels that this legislation is unnecessary. Currently upon incorporation a resident agent is required to be filed with the Secretary of State. In many cases when the investors/shareholders initially form the company, the directors may not be known. It is required by the Secretary of State that when the company files its annual report it must at that time list all the directors names and addresses. Vote 17-0.

**HB 259**, relative to the regulation of gift certificates under the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Randolph Holden for Commerce: This bill was brought forth on behalf of the Attorney General's Office in an effort to clarify the definition of gift cards. The recent emergence of gift cards and dormancy fees has raised numerous complaints by consumers. This bill will address this concern and make these fees illegal. Vote 18-0.

#### **Amendment (0725h)**

Amend RSA 358-A:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Selling gift certificates having a face value of less than \$100 to purchasers which contain expiration dates. Gift certificates having a face value of \$100 or more shall expire when escheated to the state as abandoned property pursuant to RSA 471-C. ~~[This paragraph shall not apply to gift certificates for which monetary consideration is not given or that are distributed to a consumer for promotional purposes. Nor shall this paragraph apply to season passes or coupons that are nonrefundable and nonredeemable.]~~ *Dormancy fees, latency fees, or any other administrative fees or service charges that have the effect of reducing the total amount for which the holder may redeem a gift certificate are prohibited. This paragraph shall not apply to season passes.*

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill addresses the use of anesthesia in children under the age of six for significant dental work. Current law requires anesthesia coverage for children up to the age of four. The committee heard extensive testimony about the difficulties of treating young children with severe dental problems. This bill helps to ease the fears and pain for young children who need serious dental work. Vote 20-0.

#### **Amendment (0397h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Accident and Health Insurance; Coverage for Dental Procedures; Medical or Hospital; Group; Age for Covered Service Increased. Amend RSA 415:18-g, I(a) to read as follows:

(a) Is a child under the age of [4] 6 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

2 Accident and Health Insurance; Coverage for Dental Procedures; Dental Offices; Age for Covered Service Increased. Amend RSA 415:18-h, I(a) to read as follows:

(a) Is a child under the age of [4] 6 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant complexity which requires the child to receive general anesthesia for the treatment of such condition; or

3 Health Service Corporations; Coverage for Dental Procedures; Age for Covered Service Increased. Amend RSA 420-A:17-b, I(a) to read as follows:

(a) Is a child under the age of [4] 6 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

4 Health Maintenance Organizations; Coverage for Dental Procedures; Age for Covered Service Increased. Amend RSA 420-B:8-ee, I(a) to read as follows:

(a) Is a child under the age of [4] 6 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

5 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

This bill requires insurers to cover anesthesia provided in conjunction with certain dental procedures for children under 6 years of age. Current law mandates such coverage for children under 4 years of age.

#### **HB 404**, relative to common trust funds. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would expand the power of banks to co-mingle investments in common trust funds. This co-mingling applies only to banks and their affiliates. Since 1977, banks have been limited to a bank's own common trust funds. With the ability to co-mingle common trusts in a fund with affiliates, a larger pool is created affording more opportunity to diversify investments and at the same time reduces costs. Vote 19-0.

#### **HB 412**, establishing a committee to study insurance coverage for alternative medical treatment. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: After hearing extensive testimony on alternative care and insurance mandates, the committee felt that there is currently not enough proven, tested, factual evidence on alternative treatment, and in particular the treatment that generated this legislation. Currently health insurance companies do cover many forms of alternative medicine so a new study committee is not necessary at this time. Clinical trials are already mandated. Vote 19-0.

#### **HB 414**, requiring liquor liability insurance for state liquor licensees. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have required all liquor licensees to have liquor liability insurance of limits up to \$1,000,000 for any one person and \$3,000,000 for all persons per incident. This would result in prohibitively high premiums for small "mom and pop" stores. The committee felt the current law that allows liability insurance at the discretion of the liquor commission was just enacted last year and it appears to be working well. Vote 17-2.

#### **HB 423**, relative to safe deposit boxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation would allow banks a second method of disposing of the contents of an abandoned safe deposit box. Today the law only allows for a public auction. Frequently the contents of an abandoned box are of negligible value, yet the only method of disposal allowed is via public auction that can prove costly. Should this legislation be adopted, the bank can dispose of property by sealed bid. The amendment adds the Internet as an alternative. Vote 14-0.

### Amendment (0843h)

Amend the bill by replacing all after the enacting clause with the following:

1 Safe Deposit Boxes; Delivery to the State; Public Auction, Public Sale and Internet Auction. RSA 385:4 is repealed and reenacted to read as follows:

385:4 Delivery to State. At the expiration of 5 years after the removal of the contents of such safe or box, the corporation shall sell all the property or articles of value set out in said written statements at public auction, public sale, or nationally recognized internet auction. For a public auction, a notice of the time and place of sale shall be published once weekly for 3 consecutive weeks, the last such publication being no less than 10 days before the public auction, in a newspaper published in the place where the auction is held, or having a general circulation in such place.

For a public sale, a notice of the location and date for viewing the property or articles of value, and the deadline for accepting sealed bids shall be published once weekly for 3 consecutive weeks, the last such publication being no less than 10 days before the deadline for accepting bids, in a newspaper published in the place where the viewing is held, or having a general circulation in such place.

2 Safe Deposit Boxes; Disposition of Proceeds; Public Auction, Public Sale, and Internet Auction. Amend RSA 385:5 to read as follows:

385:5 Disposition of Proceeds. From the proceeds of said sale the corporation shall deduct all its charges for rental up to the time of opening said box or safe, the cost of opening, further cost of safekeeping all its contents and any costs of said public auction, *public sale, or nationally recognized internet auction* and shall hold the net cash proceeds from such public auction, *public sale, or internet auction*, subject to the provisions of RSA 471-C. The corporation shall maintain a statement of all charges deducted from the proceeds of said *public auction, public sale, or nationally recognized internet auction* which shall be signed by ~~the president, treasurer or superintendent~~ *an officer* of said corporation and verified before a notary public or justice of the peace.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill adds public sale and nationally recognized internet auction to public auction, as a means for disposing of the contents of safe deposit boxes with longstanding unpaid rents. This bill substitutes "an officer of the corporation" for the president, treasurer, or superintendent as a witness in the final disposition of proceeds from the sale.

### HB 460-FN, relative to property and casualty insurance. OUGHT TO PASS

Rep. Paul D. Spiess for Commerce: This bill was introduced at the request of the insurance department. The bill is intended to make technical corrections to various sections of the New Hampshire insurance statutes to bring them into conformity with model legislation proposed by the National Association of Insurance Commissioners (NAIC). The committee believes that the amendments are appropriate and there is value within the industry for conformity of state laws. Vote 19-0.

### HB 470, relative to health insurance providers. OUGHT TO PASS WITH AMENDMENT

Rep. George J. Liebl for Commerce: This legislation as introduced would address "any willing provider" to be accepted by health insurers. The bill also requires health insurers to keep a provider's personal information confidential. The committee heard testimony that the insurance department opposed the willing provider issue as too broad in scope. As amended the bill does address the confidentiality issue. Vote 18-0.

### Amendment (0728h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Health Insurers; Providers. Amend RSA 400-A by inserting after section 15-a the following new section:

400-A:15-b Confidentiality of Provider's Personal Information.

I. Health insurers and other third party payors shall not display a medical provider's home address, date of birth, or social security number on documents provided to subscribers for the purpose of claim payment unless the provider has provided that information for the purposes of claim payment.

II. The provisions of this section shall apply to group hospital and medical expense policies subject to RSA 415, group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B.

2 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

The bill requires health insurers to keep a provider's personal information confidential.

### HB 471, relative to cost containment practices and establishing an insurance review and advisory board. INEXPEDIENT TO LEGISLATE

Rep. George J. Liebl for Commerce: The committee felt that the sponsors' intent would conflict with existing law on utilization review and would be a significant expansion of existing mandates. Current utilization review is essential to containing costs. The second piece of the proposed legislation would have established an advisory board on health insurance matters to advise the commissioner of insurance. Vote 18-0.

**HB 472, relative to health insurance terminology. INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have prohibited the use of the term "managed care" or the term "care." The committee felt that the cost in time and money to change all documents would result in higher premiums to be paid by the policyholder. Vote 17-0.

**HB 481, prohibiting unfair trade practices in the production and sale of milk and dairy products. OUGHT TO PASS WITH AMENDMENT**

Rep. Stella Scamman for Commerce: This legislation authorizes the Commissioner of Agriculture to prohibit unfair trade practices in the production, distribution and sale of milk. Testimony from the Commissioner of Agriculture and many dairy farmers showed a need for a fair market and the huge price difference between what farmers get and what people pay for milk at the store. Farmers are at the greatest risk. To support the farmers is also to support prime farmland for future generations to grow food, open space, protection of our New Hampshire forests, and a quality way of life for New Hampshire. Vote 14-0.

**Amendment (0734h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the pricing of milk products.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the pricing of milk products.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall investigate and report on:

I. All factors that contribute to the pricing of dairy products.

II. Unfair methods of competition and unfair trade practices in the receiving, purchase, transportation, handling, distribution, or sale of milk or milk products.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the pricing of milk products.

**HB 506, establishing a committee to study the retention of membership fees in health clubs. OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: The original bill proposed to study the retention of membership fees in health clubs. The committee felt that we did not need to study the situation because we identified the problem and will attempt to fix the situation. The amendment will ensure that initiation fees shall not exceed 100 percent of an annualized monthly fee. It will also limit the automatic renewal cycle for a period not greater than one month. Vote 16-2.

**Amendment (0610h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to health club membership initiation fees and renewal practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Health Clubs; Maximum Initiation Fees. Amend RSA 358-I:2, VI to read as follows:

VI. Any initiation fee shall not exceed [25] 100 percent of an annualized monthly fee.



2 Health Clubs; Length of Membership Contract; Automatic Renewal. Amend RSA 358-I:5, I to read as follows:

I. No term contract for health club services shall be for a term of more than one year, nor shall any health club term contract contain an automatic renewal clause *for a period greater than one month*. A contract may provide for a renewal option for continued membership, but any such renewal must be accepted in writing by a buyer and is effective only upon payment of the renewal price. Under no circumstances may a contract for health club services be renewed more than 90 days before the contract's expiration date. The annualized price of the buyer's first term contract or membership option with a seller may not exceed the annualized price of any subsequent term contract or other membership option with the seller by more than 25 percent.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that a health club initiation fee shall not exceed 100 percent of an annualized monthly fee. The bill also permits health club membership contracts to contain a month-to-month automatic renewal clause.

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This legislation corrects some language in a law enacted in the 2001 Session. Both the New Hampshire Insurance Department and the insurance companies that are regulated by the 2001 law should be amended. Essentially, the change proposed in this legislation is to remove disability plans from language referenced to Accident and Health Insurance. Disability plans are governed by the Employee Retirement Income Security Act of 1974 (ERISA) and the bill removes the prospect of inconsistencies between state and federal regulations. Vote 15-0.

#### Amendment (0427h)

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-10 to read as 8-11, respectively:

7 Adoption of Rules; Standards for Processing Group Disability Benefit Claims. Amend RSA 415-A:6 to read as follows:

415-A:6 Adoption of Rules.

I. Rules promulgated pursuant to this chapter shall be subject to notice and hearing pursuant to RSA 541-A. When a rule adopted pursuant to this chapter so provides, a policy of insurance issued subsequent to the rule's effective date and any optionally renewable policy of insurance renewed subsequent to the rule's effective date which does not comply with the rule shall, not less than 60 days after the rule's effective date, be construed, and the insurer or corporation shall be liable, as if the policy did comply with the rule.

*II. The commissioner shall adopt rules to establish specific standards for processing benefit claims under group disability plans that shall be consistent with and not more restrictive than the United States Department of Labor Benefit Claims Procedure Regulation, 29 CFR 2560.503, as existing and thereafter amended, that sets standards for group disability plans under the Employee Retirement Income Security Act of 1974.*

Amend the bill by replacing all after section 10 with the following:

11 Applicability. This act shall take effect upon the earlier of the following:

I. The effective date of the rules adopted under RSA 415-A:6, II, as inserted by section 7 of this act.

II. January 1, 2004.

12 Effective Date.

I. Section 11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 11 of this act.

#### AMENDED ANALYSIS

This bill removes disability benefits or disability plans from certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

This bill also directs the insurance commissioner to adopt rules to establish standards for processing benefit claims under group disability plans.

**HB 544**, relative to the insurance cap on durable medical equipment. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: The committee did not feel this bill would improve benefits by stacking coverages. New Hampshire does not have a mandate for durable medical equipment coverage. Voluntary coverage for this benefit varied by insurance companies and within the variety of plans offered. Per calendar year, maximums per member are attempts to keep premiums affordable and discourage over-utilization. Allowing other members to use benefits would put other members at risk if they required coverage in the same calendar year. Vote 13-0.

**HB 546**, relative to uniform prescription drug information cards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, as amended, will require all issuers of prescription drug cards to have on the card uniform drug information. This information shall include whatever information necessary for the health insurance provider to process claims in a clean, readable and understandable manner. The card shall include the trademark or logo of the insurer, certificate holder's name and ID number, and the BIN number. During the public hearing the three major insurers in New Hampshire are already providing this information or are in the process of making necessary changes. Vote 13-1.

**Amendment (0735h)**

Amend RSA 415:6-j, III as inserted by section 2 of the bill by replacing it with the following:

III. A new uniform prescription drug information card, as required under this section, shall be issued by an insurer upon enrollment of new members and when reissuing a new card to current members when there is a change in the certificate holder's pharmacy coverage that affects data contained on the card.

Amend RSA 415:18-n, III as inserted by section 3 of the bill by replacing it with the following:

III. A new uniform prescription drug information card, as required under this section, shall be issued by an insurer upon enrollment of new members and when reissuing a new card to current members when there is a change in the certificate holder's pharmacy coverage that affects data contained on the card.

Amend RSA 420-J:7-b, VII as inserted by section 4 of the bill by replacing it with the following:

VII. A new uniform prescription drug information card, as required under paragraph V, shall be issued by health benefit plan upon enrollment of new members and when reissuing a new card to current members when there is a change in the covered person's pharmacy coverage that affects data contained on the card.

**HB 555**, requiring condominiums to comply with the Fair Housing Amendments Act and to provide accessible parking. **INEXPEDIENT TO LEGISLATE**

Rep. Mark A. Brady for Commerce: This bill attempts to make condominium associations adhere to the FHA regulations via New Hampshire statute. Although well intentioned, the committee concluded after further analysis that the bill would give condominium associations enhanced authority vis-a-vis property owners. Specifically, the legislation would give all condominium associations throughout the state the authority to usurp existing condominium association by-laws to deal with disability issues pertaining to parking spaces. This would be a precedent that the committee felt was not appropriate and therefore believed that the existing system is adequately dealing with such issues. Vote 16-0.

**HB 557**, banning cancellation of or rate increases in homeowners' insurance based on the number of claims and prohibiting motor vehicle insurers from using credit information for underwriting purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser Jr. for Commerce: This proposed legislation, if adopted, would have banned cancellation of homeowner insurance policies or rate increases based on the number of claims and banned insurers of motor vehicles from using credit information for underwriting purposes. The New Hampshire Insurance Department appeared in opposition to this bill and introduced a study prepared by the National Association of Insurance Commissioners concerning the use of credit scoring. The study done by the American Academy of Actuaries concluded that there is a measur-

able correlation between poor credit and an increased claims risk. The testimony by those who appeared in opposition was quite compelling that this kind of legislation will cause premiums to escalate. Vote 16-0.

**HB 596-FN**, relative to health plan loss information. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Leo W. Fraser Jr. for Commerce: This legislation would allow insured clients in groups of fifty or larger to obtain loss information from the insurer. The current law, according to testimony of the New Hampshire Insurance Department, is vague, and does not really allow large employers to have access to this information. Vote 13-0.

#### **Amendment (0887h)**

Amend RSA 420-G:12-a, IV as inserted by section 1 of the bill by deleting it.

**HB 601**, relative to the long-term care insurance act. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: Long term care is becoming more and more of a very sensitive and vital issue and its cost implications. Obviously we as a society are living longer and utilization has increased the cost of long term care which continues to spiral upwards. This bill, introduced at the request of the New Hampshire Insurance Department amends existing statutes by implementing the National Association of Insurance Commissioners Model Bill. This bill regulates the long-term statute by significantly tightening up the regulation of the long term care market place, addresses abuses of past claims indemnity, provides a 30-day free look to consumers. Beyond that, amendments address changes in the Health Insurance Portability and Accountability Act of 1996 (HIPPA). Vote 14-0.

**HB 604**, relative to the filing of federal liens under the uniform federal lien registration act. **IN-EXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation was an effort to place in the RSA's a requirement that prior to implementation of a federal lien on property (i.e. IRS). The federal agency must show evidence of due process before the lien is recorded. The committee felt that this proposal would not be appropriate, as it would fly in the face of the Uniform Federal Lien Registration Act, a federal law that would take precedence over the laws of New Hampshire. This proposed legislation was introduced at the request of one New Hampshire citizen who had a lien placed on his property by the Internal Revenue Service for failure to pay his taxes. Vote 14-0.

**HB 646-FN**, relative to liquor licenses and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis P. Vachon for Commerce: This bill makes a variety of changes in the laws relative to liquor licenses and fees at the request of the liquor commission. The changes include the creation of a rectifier license and carrier vehicle license. The bill also creates new definitions for private clubs and corkage licenses. The bill would also provide for multiple year licenses, combine in fee structure for liquor vendors and wine vendors and adjusting the fee so that the bill remains revenue neutral. Vote 15-0.

#### **Amendment (0793h)**

Amend RSA 175:1, XXXI-b as inserted by section 6 of the bill by replacing it with the following:

XXXI-b. "Food service business" means a business kept, used, maintained, advertised, and held out to the public primarily as a place where meals are served. At least 50 percent of the sales of a food service business shall be food consumed on the premises. A food service business with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement.

Amend RSA 178:12, II as inserted by section 13 of the bill by replacing it with the following:

II. The holder of a beverage manufacturer license may be issued one on-premises license for the manufacturer's premises, providing all requirements of the license are fulfilled. The annual fee for each license issued under this section shall be as required under RSA 178:29.

Amend RSA 178:29, III(c) as inserted by section 13 of the bill by replacing it with the following:

(c) Wholesale distributor license, \$2,500.

Amend RSA 178:29, V(d) as inserted by section 13 of the bill by replacing it with the following:

(d)(1) Wine and liquor representative with 4 or fewer salespersons, \$500.

(2) Wine and liquor representative with 5 or more salespersons, \$1,000.

Amend RSA 179:27-a, I as inserted by section 26 of the bill by replacing it with the following:

I. Notwithstanding any other provision of law, any ~~[on-sale licensee, which maintains a license for a restaurant, as defined by RSA 175:1, XXXIII or LIX, where full course meals are regularly served in conjunction with such]~~ *food service business holding an on-premises license*~~[:]~~ may allow

any person who has purchased a full course meal and purchased and partially consumed a bottle of table wine with said meal, to remove such partially consumed bottle from the premises upon departure, provided that the person is not in a state of intoxication as defined in RSA 507-F:1, IV and such bottle of table wine is removed and transported in a manner consistent with paragraph II. Amend RSA 179:54, I as inserted by section 37 of the bill by replacing it with the following:

I. All new beverage installations on ~~[on-sale]~~ **on-premises** licensees' premises, except in ~~[the part of premises of licensees operating as a full-service restaurant]~~ **food service businesses holding on-premises licenses**, shall have their taps in view of the public.

Amend RSA 180:1, IV as inserted by section 38 of the bill by replacing it with the following:

IV. ~~["Goodwill,"]~~ **"Good will,"** unless otherwise agreed, means earnings before taxes resulting from the wholesale distributor's sale of the beverage manufacturer's~~;~~ **or** beverage vendor's~~;~~ **or beverage vendor importer's** brand or brands of beverages averaged over the wholesale distributor's last 3 fiscal years, or averaged over the wholesale distributor's recent fiscal years in which the wholesaler has had such earnings if fewer than 3 fiscal years.

Amend RSA 180:5 as inserted by section 46 of the bill by deleting paragraph III.

### **HB 684-FN, relative to the insurance rating law. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, as amended, was introduced at the request of the New Hampshire Insurance Department. It revises several rating laws for property and casualty. There are three changes in the RSA's. First, currently personal lines auto and homeowners insurance are insurance products that are subject to prior approval. With the proposed changes personal lines would now become file and use. In other words, the insurance company would be permitted to file the new or amended forms and 30 days thereafter would be allowed to commence marketing these new amended products. The 30 days would provide a window for the insurance department to review. Secondly, the bill would permit rates for commercial lines to become line and file. Today commercial lines, are usually for information purposes only. Third, this proposed legislation would address lines such as medical malpractice or liquor liability, rate filings must be reviewed and subject to prior approval. The whole idea of the bill is to address speed to market while at the same time providing the necessary consumer protection. Vote 15-0.

### **Amendment (0388h)**

Amend RSA 412:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) To any combination of any of the foregoing insurance, on risks or operations located in this state.

Amend RSA 412:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Insurance on vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under ocean marine, as determined by the commissioner.

Amend RSA 412:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Every insurer and advisory organization shall file policy forms, endorsements, and other contract language covered by this chapter and RSA 264, for a waiting period of 30 days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed 30 days if written notice or electronic notice is given within the initial 30-day waiting period to the insurer or advisory organization which made the filing that additional time is needed for the consideration of the filing. Upon written application by the insurer or advisory organization, the commissioner may authorize a filing which has been reviewed to become effective before the expiration of the waiting period or extension thereof. A filing shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or extension thereof. Every policy issued by an insurer on an unapproved form shall constitute a separate violation under RSA 412:40.

Amend the subdivision heading preceding RSA 412:8 by replacing it with the following:

Forms Regulation - Motor Vehicle Insurance

Amend RSA 412:15, I as inserted by section 1 of the bill by replacing it with the following:

I. Rates shall not be excessive, inadequate, or unfairly discriminatory.

(a) A rate in a competitive market is not excessive.

(b) A rate in a noncompetitive market is excessive if it is likely to produce a profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to services rendered.

(c) A rate is inadequate if:

(1) The rate is unreasonably low for the insurance provided and the continued use of the rate endangers the solvency of the insured using it; or unless

(2) The rate is unreasonably low for the insurance provided and the use of the rate by the insurer has, or if continued will have, the effect of substantially lessening competition or the tendency to create monopoly in any market.

(d) Unfair discrimination exists if, after allowing for practical limitations, price differentials fail to reflect equitably the differences in expected losses and expenses. A rate is not unfairly discriminatory if it is averaged broadly among persons insured under a group, franchise or blanket policy or a mass marketed plan. In this paragraph, a mass marketed plan means a method of selling property-liability insurance wherein:

(1) The insurance is offered to employees of particular employers or to members of particular associations or organizations or to persons grouped in other ways, except groupings formed principally for the purpose of obtaining such insurance; and

(2) The employer, association or other organization, if any, has agreed to, or otherwise affiliated itself with, the sale of such insurance to its employees or members.

Amend the introductory paragraph of RSA 412:16, III as inserted by section 1 of the bill by replacing it with the following:

III. Every insurer shall file or incorporate by reference to material that has been filed with or approved by the commissioner, at the same time as the filing of the rate, all supplementary rating and supporting information to be used in support of or in conjunction with a rate. The information furnished in support of a filing may include or consist of a reference to:

Amend RSA 412:25 as inserted by section 1 of the bill by replacing it with the following:

412:25 Advisory Organizations; Filing Requirements. Every advisory organization shall file with the commissioner before the effective date every statistical plan, all prospective loss costs, provisions for special assessments and all supplementary rating information and every change or amendment or modification of any of the foregoing proposed for use in this state. Such filings shall be subject to the provisions of RSA 412:16 and RSA 412:19 and other provisions of this chapter relating to filings made by insurers.

## **HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation intended to deal with tobacco product manufacturers who are not participating manufacturers in the Master Settlement Agreement of 1998. Under the terms of that agreement manufacturers are obligated to pay substantial sums of money to the states in perpetuity. In 1999 the New Hampshire legislature enacted RSA Chapter 541-C affecting manufacturers who did not enter into the Master Agreement. They are required to set aside funds based on volume of sales, in escrow accounts so that sufficient funds will be available in the event of a future judgement on a settlement against non-participating manufacturers. The Attorney General's Office has been vigorously enforcing these provisions. However, over 30 US and foreign non-participating manufacturers of tobacco products were being sold in New Hampshire. Approximately 2/3rds of those companies came into compliance. This proposed legislation is intended to enhance the ability of the state to enforce RSA 541-C by requiring non-participating manufacturers to annually submit detailed certifications under the penalty of perjury concerning their compliance with the New Hampshire escrow statute. Vote 15-0.

### **Amendment (0857h)**

Amend the introductory paragraph of RSA 541-D:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Every tobacco product manufacturer whose cigarettes are sold in this state whether directly or through a distributor, retailer or similar intermediary or intermediaries shall execute and deliver on a form prescribed by the attorney general a certification to the attorney general no later than the thirtieth day of April each year, certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is a participating manufacturer, or is in full compliance with RSA 541-C.

Amend RSA 541-D:4, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Any non-resident or foreign non-participating manufacturer that has not registered to do business in the state as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of the Master Settlement Agreement and RSA 541-C, may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of such agent to and to the satisfaction of the attorney general.

II. The non-participating manufacturer shall provide notice to the attorney general 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the attorney general of the appointment of a new agent no less than 5 calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the non-participating manufacturer shall notify the attorney general of said termination within 5 calendar days and shall include proof to the satisfaction of the attorney general of the appointment of a new agent.

Amend RSA 541-D:5, II as inserted by section 1 of the bill by replacing it with the following:

II. As provided under RSA 21-J:14, XII, the commissioner is authorized to disclose to the attorney general or designee any information received under this chapter and requested by the attorney general or designee for purposes of determining compliance with and enforcing the provisions of this chapter. The commissioner and attorney general shall share with each other the information received under this chapter, and may share such information with other federal, state or local agencies only for purposes of enforcement of this chapter, the Master Settlement Agreement, RSA 541-C, or corresponding laws of other states.

Amend RSA 541-D:6 as inserted by section 1 of the bill by replacing it with the following:

#### 541-D:6 Penalties and Other Remedies.

I. In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that any person has violated RSA 541-D:3, III or any rule adopted pursuant thereto, the commissioner may revoke or suspend the license of any stamping agent in the manner provided by RSA 78:6. Each stamp affixed and each offer to sell cigarettes in violation of RSA 541-D:3, III shall constitute a separate violation. For each violation hereof, the commissioner may also impose a civil penalty in an amount not to exceed the greater of 500 percent of the retail value of the cigarettes sold or \$5,000 upon a determination of violation of RSA 541-D:3, III or any rules adopted pursuant thereto. Such penalty shall be imposed in the manner provided by RSA 78.

II. Any cigarettes that have been sold, offered for sale, or possessed for sale in this state, in violation of RSA 541-D:3, III shall be deemed contraband under RSA 78:16 and such cigarettes shall be subject to seizure and forfeiture as provided in such section, and all such cigarettes so seized and forfeited shall be destroyed and not resold.

III. The attorney general, on behalf of the commissioner, may seek an injunction to restrain a threatened or actual violation of RSA 541-D:3, III, 541-D:5, I, or 541-D:5, IV, by a stamping agent and to compel the stamping agent to comply with such provisions. In any action brought pursuant to this section, the state shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney's fees.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

2 New Paragraph: Confidentiality of Department Records. Amend RSA 21-J:14 by inserting after paragraph XI the following new paragraph:

XII. Department records, files, or information obtained by the commissioner or other department employee under the provisions of RSA 78, RSA 541-C, or RSA 541-D may be disclosed to the attorney general, or designee, and other federal, state, or local agencies as provided under RSA 541-D:5, II.

### **HB 711-FN, relative to the regulation of retail installment sales of motor vehicles. OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: This bill as amended and requested by the New Hampshire Banking Department, recodifies RSA 361-A relative to retail sellers and sales finance companies. The bill as amended will not only make it easier to do business in New Hampshire, but will

give the department the tools that it needs to improve consumer protections. The bill streamlines the licensing process for retail sellers and sales finance companies by reducing paperwork for license renewal. In addition, the bill provides for a new expanded penalty section allowing the Commissioner to impose monetary penalties for violations of the statute. The bill as amended would create greater efficiency in the department, allowing for more emphasis on the examination and investigation processes. Finally, the amendment changes the effective date of the bill, eliminating the projected revenue loss for fiscal year 2004. Vote 13-0.

### **Amendment (0889h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions; "Branch Office" Added. Amend RSA 361-A:1 by inserting after paragraph II the following new paragraph:

II-a. "Branch office" means a business location within this state of a person required to be licensed under this chapter. "Branch office" does not include a person's principal office location.

2 New Paragraph; Definitions; "Commissioner" Inserted in Alphabetical Order. Amend RSA 361-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Commissioner" means the bank commissioner.

3 New Paragraph; Definitions; "Principal Office" Added. Amend RSA 361-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Principal office" means the main office location of a person required to be licensed under this chapter.

4 Licensing of Sales Finance Companies and Retail Sellers Required; Requirements Added. RSA 361-A:2, II – VI are repealed and reenacted to read as follows:

II.(a) The application for such license shall be in writing, under oath and in the form prescribed by the commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require.

(b) Every applicant for licensing under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any non-criminal suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and such person has not filed a consent to service of process under this section and personal jurisdiction over such person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to such person's appointment of the commissioner to receive service of any lawful process. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(1) The plaintiff, who may be the attorney general in a suit, action, or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner; and

(2) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(c) If a person holds a valid license under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31.

III. Sales finance company license applicants shall at the same time file with the commissioner a \$25,000 surety bond to the state for the use of the state and any person who may have a cause of action against the principal in the bond under the provisions of this chapter, and conditioned that the principal will conform to and abide by each provision of this chapter and will pay to the state and to any such person any sum that may become due or owing under this chapter from the prin-

principal of the bond to the state or to such person. Recovery against the bond may be made by the state after due notice and hearing in accordance with the provisions of RSA 541-A, and by any such person who may have obtained a final judgment in a court of competent jurisdiction naming said principal. The surety bond shall be continuous and shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the principal within 6 years after the act upon which the recovery or suit is based.

IV. Each initial and renewal retail seller application shall be accompanied by a nonrefundable application fee of \$50 for the principal place of business of the licensee and the sum of \$30 for each branch of such licensee maintained in this state.

V. Each initial and renewal sales finance company application shall be accompanied by a nonrefundable application fee of \$350 for the principal place of business of the licensee within this state or outside of this state, and the sum of \$100 for each branch of such licensee maintained in this state. A person required to obtain a license under the provisions of this section shall not be required to obtain a license as a retail seller.

VI. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

VII. Each license shall specify the location of the office or branch and shall be conspicuously displayed there in a public area. In case such location is changed, the commissioner shall endorse the change of location on the license without charge.

VIII.(a) Upon the filing of the complete application for a sales finance company license and payment of the required application fee, if the bank commissioner determines that the applicant's financial resources and responsibility, experience, personnel, and record of past or proposed conduct warrant the public's confidence and that the business will be operated lawfully, honestly, and fairly within the purposes of this chapter, the commissioner shall enter an order approving such application and shall issue a license to the applicant and shall issue licenses to the applicant's branches to engage in the business of a sales finance company under and in accordance with the provisions of this chapter. Each sales finance company license shall expire on December 31 of each calendar year.

(b) Upon the filing of a complete application for a retail seller license and payment of the required application fee, if the commissioner determines that the applicant's experience and record of past or proposed conduct warrant the public's confidence and that the business will be operated lawfully, honestly and fairly within the purposes of this chapter, the commissioner shall enter an order approving such application and shall issue a license to the applicant and shall issue licenses to the applicant's branches to engage in the business of a retail seller under and in accordance with the provisions of this chapter. Each retail seller license shall expire on December 31 of each calendar year.

(c) No license issued under this chapter shall be transferable or assignable.

IX. No licensee shall transact any business provided for by this chapter under a trade name or any other name different from the name stated in its license or branch office license without immediately notifying the commissioner, who shall then amend the license accordingly.

X. No license shall be issued to any person whose principal place of business is located outside of this state unless that person designates an agent residing within this state for service of process.

XI. Each license issued under the provisions of this chapter shall state the name and address of the principal office of the licensee and, if the license is a branch office license, the name and address of the branch office location for which that license is issued.

XII. Retail sellers and sales finance companies licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the retail seller and sales finance company licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

5 Annual Report; Financial Statement Added. Amend RSA 361-A:2-b to read as follows:  
361-A:2-b Annual Report.

1.(a) Each sales finance company licensee shall file, under oath, an annual report with the [bank] commissioner on or before February 1 each year concerning operations for the preceding year or



license period ending December 31 upon a form prescribed by the [bank] commissioner. ~~[When-  
ever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees op-  
erate licensed offices, then a composite report of such group of licensed offices may be filed in  
lieu of individual reports.]~~

(b) *Each sales finance company shall also file, under oath, its financial statement with the commissioner within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet, income statement, statement of changes in owners' equity, a cash flow statement and note disclosures. If the financial statement is not audited, a certification statement shall be attached and signed by a duly authorized officer of the sales finance company. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.*

(c) *In lieu of the requirements of subparagraph (b), publicly traded licensees may submit copies of their most recent Securities and Exchange Commission 10K and 100 statement.*

II. The [bank] commissioner shall publish an analysis of the information required ~~[under this section]~~ in the sales finance company's annual report as part of the [bank] commissioner's annual report.

III. Any [licensee] sales finance company failing to file *either the annual report or the financial statement* required by this section within the time prescribed shall pay to the [bank] commissioner a penalty of \$25 for each calendar day the *annual report or financial statement* is overdue. ~~[If a licensee elects to file a composite report and the composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each license and branch license included in the composite report.]~~

IV. In addition to the annual report *and financial statement* required by this section, the [bank] commissioner may require such regular or special reports as the commissioner deems necessary to the proper supervision of licensees under this chapter.

V. A licensee who files an annual report under this section which fails to disclose or materially ~~[underdiscloses]~~ *misstates* retail installment contracts made during the reporting year may, after notice and opportunity for hearing pursuant to RSA 541-A, be subject to a fine of not more than \$1,000 and to license revocation or suspension pursuant to RSA 361-A:3.

6 Suspension or Revocation of Licenses; Show Cause Order Added; Nonexistent Businesses Added. RSA 361-A:3 is repealed and reenacted to read as follows:

361-A:3 Suspension or Revocation of Licenses.

I. The commissioner may, by order, deny, suspend, or revoke any license or application if the commissioner finds that the order is in the public interest and the applicant, or licensee, any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant or licensee:

(a) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;

(c) Has made fraudulent misrepresentations, has circumvented or concealed, through whatever subterfuge or device, any of the material particulars required to be stated or furnished to a borrower under the provisions of this chapter;

(d) Has failed to supervise its agents, managers or employees;

(e) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending, or revoking licenses or registration;

(f) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of lending or collection activities;

(g) Is not qualified on the basis of such factors as experience, knowledge and financial integrity;

(h) Has engaged in dishonest or unethical practices in the conduct of making retail installment transactions or collecting on retail installment contracts;

(i) Has violated this chapter or any rule or order thereunder or has violated applicable federal laws or rules thereunder; or

(j) For other good cause shown.

II. If a licensee is a partnership, association, corporation, or entity however organized it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for supervision of its branch offices and for the acts of any or all of his or her employees while acting as his or her agent if such licensee, after actual knowledge of said acts, retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

III. Any license revocation, suspension, or unfavorable action by the department on a license shall comply with the provisions of RSA 541-A. An aggrieved licensee may, pursuant to RSA 541-A and RSA 541, appeal an unfavorable action by the department. The department may take action for immediate suspension of a license, pursuant to RSA 541-A.

IV. [Repealed.]

V. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

7 Cease and Desist Orders; Grounds Added. Amend RSA 361-A:3-a to read as follows:

361-A:3-a Cease and Desist Orders. Whenever the commissioner has reasonable cause to believe that any person is engaging in the business of a sales finance company or retail seller without obtaining a license as provided in this chapter, *or has engaged or is about to engage in any act or practice constituting a violation of this chapter, or any rule or order under this chapter*, the commissioner may, in addition to all actions provided for in this chapter, enter an order requiring such person to cease and desist from such violation. If any person refuses to obey such order, an action may be brought by the commissioner or by the attorney general on the commissioner's behalf in any superior court in this state to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance of such violation. In any such action, an order or judgment may be entered awarding a temporary or permanent injunction, and awarding the commissioner or the attorney general or both costs in bringing such action. The court shall have the power to enforce obedience to such injunction, in addition to all the court's customary powers, by a fine not exceeding \$10,000 or by imprisonment, or both.

8 Consumer Inquires; Certain Terms Replaced. Amend RSA 361-A:4-a to read as follows:

361-A:4-a Consumer Inquiries.

I. Consumer complaints naming [~~licensees~~] *retail sellers or sales finance companies* under this chapter, which are filed in writing with the office of the [~~bank~~] commissioner, shall be forwarded via certified or registered mail to the [~~licensee~~] *retail seller or sales finance company* for response within 10 days of receipt by the department. [~~Licensees~~] *Retail sellers or sales finance companies* shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the [~~licensee~~] *retail seller or sales finance company* shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and [~~transmit~~] *submit* to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) [~~Transmit~~] *Submit* a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A [~~licensee~~] *retail seller or sales finance company* who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of [~~transmission~~] *submission* shall be the date such response is [~~postmarked~~] *received by the banking department*.

III.(a) [~~Licensees~~] *Retail sellers or sales finance companies* who, because of extenuating circumstances beyond the control of the [~~licensee~~] *retail seller or sales finance company*, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the [~~licensee's~~] *retail seller's or sales finance company's* receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the [~~licensee~~] *retail seller or sales finance company* shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

#### IV. [Repealed.]

9 Powers of Bank Commissioner; Rules, Forms, Orders, Penalty Abatement, Added; Grounds for Acting Added. Amend RSA 361-A:5 to read as follows:

361-A:5 Powers of [Bank] Commissioner.

**I.** The [bank] commissioner shall have the power to issue a subpoena to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before the commissioner in any matter over which the commissioner has jurisdiction, control or supervision pertaining to the provisions of this chapter. The commissioner shall have the power to administer oaths and affirmation to any person whose testimony is required. If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, any justice of the superior court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the superior court, for the witness to appear before the superior court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the superior court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the [bank] commissioner may apply to any justice of the superior court who, after proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and, upon such person's being brought before such justice, proceed to a hearing of the case. The court shall have power to enforce obedience to such subpoena, and the answering of any question and the production of any evidence that may be proper, by a fine not exceeding \$10,000 or by imprisonment, or by both.

**II.** *The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.*

**III.** *The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.*

**IV.** *The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.*

**V.** *The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.*

**VI.** *All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title.*

10 New Paragraphs; Examinations; Recovery of Cost Added. Amend RSA 361-A:6-a by inserting after paragraph IV the following new paragraphs:

V. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or his or her examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

(a) Upon receipt of a written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

(b) If so requested by the person examined, within the period allowed in subparagraph (a), or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications, if any, thereto as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in subparagraph (a). The report shall be accepted and filed within 6 months after final hearing.

(c) All reports pursuant to this section shall be privileged and although filed in the department as provided in subparagraph (b) shall not be for public inspection. The comments and recommendations of the examiner shall also be confidential information and shall not be available for public inspection.

VI. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation being found in default, the commissioner shall be entitled to recover the cost of the investigation, in addition to any other penalty provided for under this chapter.

11 Advertising; Sales Finance Company Replaced with Person. Amend RSA 361-A:10-a, I to read as follows:

I. No ~~[sales finance company]~~ **person** shall advertise, print, display, publish, distribute, or broadcast or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner whatsoever any statement or representation with regard to the rates, terms, or conditions for the lending of money under the provisions of this chapter which is false, misleading, or deceptive. Any reference to the amount of a loan shall refer to the original principal amount. Any statement so made of the amount of an installment, or the rate or amount of interest charges required for any loan, shall comply with the provisions of the federal Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.).

12 New Paragraphs; Penalties; Penalties Added. Amend RSA 361-A:11 by inserting after paragraph III the following new paragraphs:

IV. Any person, other than the consumer, who holds or is a party to, in any manner, a retail installment contract that is not in compliance with this chapter may, upon notice and opportunity for hearing, be subject to penalty under this chapter.

V. Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or imposition of an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which a rule or order relates. Each of the acts specified shall constitute a separate violation.

VI. Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or imposition of an administrative fine not to exceed \$1,500 for each violation in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which a rule or order relates. Each of the acts specified shall constitute a separate violation.

VII. Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to such suspension, revocation or denial of any registration or license, including forfeiture of any application fee, or imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

VIII. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to such suspension, revocation, or denial of any registration or license, including the forfeiture of any appli-

cation fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

13 New Section; Records and Filings. Amend RSA 361-A by inserting after section 12 the following new section:

361-A:13 Records and Filings.

I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

II. Electronic filings, when received by the commissioner, are deemed filed, and are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.

III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with:

(a) A full explanation of the programming of any data storage or communications systems in use; and

(b) Information from any books, records, electronic data processing systems, computers or any other information storage system in the form requested by the commissioner.

14 Change from Bank Commissioner to Commissioner. Amend the following RSA provisions by replacing "bank commissioner" with "commissioner": 361-A:2-a, I; 361-A:4; 361-A:6; 361-A:6-a, I; and 361-A:8-a, I.

15 Repeal. RSA 361-A:1. XIV, relative to the definition of commissioner, is repealed.

16 Effective Date. This act shall take effect upon its passage.

### **HB 725, relative to fraternal benefit societies. OUGHT TO PASS**

Rep. Leo W. Fraser Jr. for Commerce: This bill, introduced at the request of the New Hampshire Insurance Department, is an effort to update laws relating to fraternal benefit societies. The last changes took place in 1973. Over 40 states have adopted uniform statutory language promulgated by the National Fraternal Conference of America in 1983. This legislation brings New Hampshire into compliance. Although New Hampshire has sixteen licensed fraternal, only one is currently active and that is A.C.A. of Manchester, New Hampshire. The changes will (1) allow fraternal to own subsidiary corporations; (2) establish separate accounts for offering life and variable annuities; and (3) enable fraternal to provide new products and keep pace with any new authority granted to life insurers. Vote 14-0.

### **HB 762, relative to the transmission of unsolicited material via facsimile transmission. INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill prohibits the transmission of unsolicited material via facsimile transmission, and any person who receives unsolicited material may bring action for damages and ask for equitable relief of up to \$1000. The committee felt that in most cases the receiving party has the fax number of the sending party and can ask to be removed from their list. They also felt that the fines were excessive and could lead to unexpected ramifications. Vote 13-1.

### **HB 796-FN-L, relative to the taxation of manufactured housing. OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: At present manufactured housing has a tax lien process and system, separate and distinct from other real estate. This bill provides that manufactured housing shall be treated the same as all real estate for tax purposes. This will simplify the tax lien process and standardize collection procedures. The second part of the committee amendment adds language to RSA 382 A, Article 9 of the Uniform Commercial Code (UCC) which was inadvertently left out when the code was updated in 2002. This correction was requested by the Secretary of State. Vote 13-0.

### **Amendment (0365h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Property Tax; Manufactured Housing. Amend RSA 72:7-a to read as follows:

## 72:7-a Manufactured Housing.

1. Manufactured housing suitable for use for domestic, commercial or industrial purposes is taxable *as real estate* in the town in which it is located on April 1 in any year if it was brought into the state on or before April 1 and remains here after June 15 in any year; except that manufactured housing as determined by the commissioner of revenue administration, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than 45 days, except for storage only, shall be exempt from taxation. This paragraph shall not apply to manufactured housing held for sale or storage by an agent or dealer.

I-a. Manufactured housing suitable for use for domestic, commercial or industrial purposes is taxable *as real estate* in the town, city or unincorporated place to which it is brought and located after April 1 and before the following January 1, provided that said manufactured housing remains in said town, city or unincorporated place for more than 10 weeks, except for storage only, and further provided a tax has not been assessed on it elsewhere in the state for that year. The tax shall be for the pro rata part of the tax year remaining when said manufactured housing became located in the town, city or unincorporated place. The selectmen or assessors may so require and it shall be an obligation of the owner to file with the selectmen or assessors a true and correct inventory of the property subject to taxation under this paragraph within 15 days of the location of the manufactured housing in such form as the commissioner of revenue administration may prescribe.

II. There shall be a lien for uncollected taxes upon any manufactured housing suitable for use for domestic, commercial or industrial purposes that has been taxed pursuant to paragraphs I and I-a. Said lien shall take precedence over all other liens and encumbrances upon said manufactured housing and shall continue in force until 1-½ years from the assessment of the tax. ~~[The tax collector shall file with the town or city clerk, and with the register of deeds for the county in which the manufactured housing is then located, a copy of a document stating the existence of any such lien; the amount of the uncollected taxes secured by the lien, the name and address of the person liable for the tax as of the date of its assessment, and a description of the manufactured housing upon which the tax has been assessed. The town or city clerk shall keep a file of such documents, which shall be open to public inspection. Upon payment, release, or satisfaction of the lien, the tax collector shall file a notice thereof with the town or city clerk and with the register of deeds. There shall be no fees chargeable for any such filings with the town or city clerk.]~~ *Such taxes shall be subject to the collection procedures set forth in RSA 80 for real estate taxes.*

2 New Section; Proceedings Against Real Estate; Manufactured Housing; Mortgage. Amend RSA 80 by inserting after section 18 the following new section:

80:18-a Definition; Mortgage; Manufactured Housing. In this chapter, "mortgage" shall include a security interest in manufactured housing created and perfected as authorized by RSA 477:44, IV. A mortgagee shall include a holder of such a security interest.

3 Personal Property Lien; Manufactured Housing Removed. Amend RSA 454-C:3, II to read as follows:

II. Except as otherwise provided in RSA 454-C:7, and only as to federal[;] *and state*~~[-and manufactured housing]~~ tax liens, whenever any such lien, or a full release of any such lien, is filed with a city or town clerk, the clerk shall within 2 business days transmit to the secretary of state, by mail or other medium prescribed or authorized by the secretary of state, a copy of, or an electronic record of all information contained in, the notice of filing of lien or notice of full release of lien submitted by the person or agency filing the lien or release pursuant to RSA 454-C:2. The term "business day" as used in the preceding sentence shall mean a day on which the clerk's office is open for business. Only the notice itself or electronic record thereof shall be so transmitted, not the other lien documentation filed with the notice. The secretary of state within 3 business days of such receipt shall enter an image of the notice or the information contained therein in the index, and shall periodically transmit to each such clerk an acknowledgment of receipt of such notices or electronic records. Pursuant to the statutes providing for the filing of each type of lien listed in RSA 454-C:1, 1, no such liens other than federal[;] *and state*~~[-and manufactured housing]~~ tax liens will be filed with city or town clerks subsequent to the effective date of this chapter.

4 Personal Property Lien Index; Transition Period; Manufactured Housing Removed. Amend RSA 454-C:7, IV to read as follows:

IV. Notwithstanding the provisions of RSA 454-C:3, whenever a full release of any pre-effective-date federal[;] *or state*~~[-or manufactured housing]~~ tax lien is filed with a town or city clerk, and (in the case of federal tax liens) a notice of filing of such lien or electronic record thereof has

not previously been transmitted to the secretary of state pursuant to paragraph II, such clerk shall remove the lien being released from the file, and shall not forward the notice of full release to the secretary of state; and whenever a full release of any pre-effective-date lien of any type is filed with the secretary of state, and information regarding such lien has not previously been entered in the index pursuant to paragraph III, the secretary of state shall remove the lien being released from the file, and shall not enter an image of the notice of full release, or the information contained therein, in the index.

5 Secretary of State; Removal of Manufactured Tax Lien Index. The secretary of state shall remove from the consolidated lien index maintained pursuant to RSA 454-C:1 all information pertaining to manufactured housing tax liens filed and maintained prior to the repeal by this act of RSA 454-C:1, 1(j). Such removal shall not be deemed to invalidate any such lien.

6 Uniform Commercial Code; General Definitions; Security Interest. Amend RSA 382-A:1-201(37) to read as follows:

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The term also includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9. The special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in Section 2-505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". *Whether a transaction creates a lease or security interest is determined by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and:*

(a) the original term of the lease is equal to or greater than the remaining economic life of the goods,

(b) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods,

(c) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement, or

(d) the lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

A transaction does not create a security interest merely because it provides that

(a) the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into,

(b) the lessee assumes risk of loss of the goods, or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods,

(c) the lessee has an option to renew the lease or to become the owner of the goods,

(d) the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed, or

(e) the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

For purposes of this subsection (37):

(x) Additional consideration is not nominal if (i) when the option to renew the lease is granted to the lessee the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (ii) when the option to become the owner of the goods is granted to the lessee the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised;

(y) "Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the transaction is entered into; and

(z) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

***A rent-to-own agreement, as defined in RSA 358-P:2, V, shall not create or be construed as a "security interest".***

7 Repeal. RSA 454-C:1, I(j), relative to the index of manufactured housing tax liens, is repealed.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill provides that manufactured housing shall be taxed and treated as real estate, and eliminates the separate manufactured housing tax lien system.

The bill also makes a change to the definition of security interest in the uniform commercial code.

### **HB 798**, relative to gifts by fiduciaries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: This bill comes as a request from the Department of Health and Human Services. The purpose of this legislation and its amendments is to clarify the procedure for gifts by guardians or agents pursuant to the durable power of attorney. The Probate Court reviews any gifts that would adversely affect the wards housing options access to care and services, general welfare or quality of life. Vote 14-0.

#### **Amendment (0784h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Estate Planning by Guardian. Amend RSA 464-A:26-a, III(f) and (g) to read as follows:

(f) The ward's prior estate planning action, including significant life-time gifts, will, beneficiary designations, joint ownership, or trusts; ~~and~~

(g) The ward's family situation, including the family members who would inherit from the ward if the ward dies intestate;

*(h) Whether the gift is intended to reduce the ward's assets or income in order to qualify him or her for medicaid or other governmental benefits;*

*(i) The ward's housing situation during the 12 months prior to the filing of the petition and the impact of the proposed gift on the ward's housing, including whether the proposed gift will leave the ward with sufficient assets and resources to maintain his or her housing; and*

*(j) A description of the care and services that the ward requires and is currently receiving, and the impact of any proposed gift on the ward's access to care and services.*

2 Estate Planning by Guardian. Amend RSA 464-A:26-a, V to read as follows:

V.(a) Before authorizing the guardian to make lifetime gifts or to plan for the testamentary distribution of the ward's estate, the probate court must find, by a preponderance of the evidence, that:

~~[(a)]~~ (1) The proposed gifts and/or testamentary plan are consistent with the ward's wishes; ~~or~~

~~[(b)]~~ (2) The testamentary distribution of the ward's estate will minimize taxation and/or facilitate distribution of the ward's estate to family, friends, or charities who would be likely recipients of gifts from the ward.

*(b) No proposed gift shall be approved by the court unless the court finds by clear and convincing evidence, that:*

*(1) The proposed gift will not adversely affect the ward's housing options, access to care and services, general welfare, or quality of life;*

*(2) The proposed gift does not create any risk that the ward will be deprived of sufficient assets to cover his or her needs during any period of medicaid ineligibility that would result from the proposed gift.*

*(3) The proposed gift will not result in premature or unnecessary nursing home placement or institutionalization of the ward, or compromise the ward's access to care or services in the least restrictive setting in which his or her needs can be met.*



*VI. The probate court, prior to authorizing a lifetime gift, shall appoint a guardian ad litem if:*

*(a) The guardian is a beneficiary of a proposed gift that is not in accordance with the ward's personal history of making or joining in the making of lifetime gifts or an estate plan established prior to the guardianship; or*

*(b) The circumstances of the proposed gift benefit the guardian personally or otherwise create a potential conflict of interest between the ward's interests and the guardian's personal interests.*

*VII. The department of health and human services, county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if:*

*(a) There is a concern that the proposed gift will pose a risk that the ward will be deprived of sufficient assets to cover his or her needs during any period of ineligibility that would result from the proposed gift.*

*(b) There is a concern that the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43.*

3 Powers of Attorney; Disability or Incompetence of Principal. Amend RSA 506:6, V to read as follows:

*V.(a) An attorney in fact is not authorized to make gifts, pursuant to the durable power of attorney, to the attorney in fact or to others unless:*

*(1) The durable power of attorney explicitly authorizes [such] gifts;*

*(2) The proposed gift will not exceed \$40,000 or 25 percent of the aggregate value of the estate during any calendar year, whichever is greater, unless the durable power of attorney expressly authorizes gifts in excess of this amount, or the gift is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 506:7, III(e);*

*(3) The proposed gift will not adversely affect the principal's housing options, access to care or services, general welfare, or quality of life, unless such an effect was clearly intended by the principal, as evidenced by the language of the durable power of attorney or surrounding facts and circumstances, or arises as a necessary implication from the conferred powers;*

*(4) Any gift to the agent is explicitly authorized in the durable power of attorney, is in accordance with the principal's personal history of making or joining in the making of lifetime gifts prior to the principal's incapacity or is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 506:7, III(e).*

*(b) This paragraph shall not in any way impair the right or power of the principal, by express words in the power of attorney, to further authorize, expand or limit the authority of any agent to make gifts of the principal's property.*

4 Powers of Attorney. Amend RSA 506:6, VI-VIII to read as follows:

*VI. The following disclosure statement, signed by the principal, [may] shall accompany a durable power of attorney:*

**INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY**

**THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT**

**YOU SHOULD KNOW THESE IMPORTANT FACTS:**

Notice to the Principal: As the "Principal," you are using this Durable Power of Attorney to grant power to another person (called the "Agent" or "Attorney in Fact") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. An agent, prior to acting in the capacity of agent, ~~[may]~~ **shall** execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, \_\_\_\_\_, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a "fiduciary duty") to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

VIII. Nothing in paragraphs V-VII of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law *in effect at the time of execution, provided, that any gift that is not in compliance with subparagraphs V(a)(2) through (4) shall require prior court authorization in accordance with RSA 506:7, III(e).*

5 New Subparagraph; Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, III by inserting after subparagraph (d) the following new subparagraph to read as follows:

(e) To determine that particular gifts or other transactions are authorized. In determining the authority of an agent to make a gift, the court shall consider:

- (1) Evidence of the principal's intent;
- (2) The principal's personal history of making or joining in the making of lifetime gifts;
- (3) The principal's estate plan;
- (4) The principal's foreseeable obligations and maintenance needs and the impact of the proposed gift on the agent's housing options, access to care and services, general welfare and quality of life;
- (5) The income, gift, estate or inheritance tax consequences of the transaction;
- (6) Whether the proposed gift creates any risk that the principle will be deprived of sufficient assets to cover his or her needs during any period of medicaid ineligibility that would result from the proposed gift; and
- (7) Whether the proposed gift will result in premature or unnecessary nursing home placement or institutionalization of the principal, or compromise the principal's access to care or services in the least restrictive setting in which his or her needs can be met.

6 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, *issue injunctions*, make orders and decrees, and take other actions that are necessary or proper in making determinations *and providing relief* on matters presented by a petition filed under paragraph III.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers *as set forth in RSA 506:6, V*. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

7 New Paragraphs; Powers of Attorney; Limitations on the Agent. Amend RSA 506:7 by inserting after paragraph VI the following new paragraphs:

VII. The probate court, prior to authorizing a lifetime gift in a proceeding under this section, shall appoint a guardian ad litem if:

(a) The agent is a beneficiary of a proposed gift that is not in accordance with the principal's personal history of making or joining in the making of lifetime gifts or an estate plan established prior to the principal's incapacity; or

(b) The circumstances of the proposed gift benefit the agent personally or otherwise create a potential conflict of interest between the principal's interests and the agent's personal interests.

VIII. The department of health and human services, county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if:

(a) There is a concern that the proposed gift will pose a risk that the ward will be deprived of sufficient assets to cover his or her needs during any period of medicaid ineligibility that would result from the proposed gift.

(b) There is concern that the principal has been the victim of a crime or has been or is at risk of being abused, neglected or exploited within the meaning of RSA 161-F:43.

8 Effective Date. This act shall take effect January 1, 2004.

**HB 807-FN**, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Commerce: This bill raises the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. The committee heard testimony that many charities reap as little as 2% from a paid phone campaign after all fees are paid to the solicitor. On one occasion the charity raised nothing and had to pay the solicitor over \$1000. The additional fees will support the hiring of a financial analyst in the Attorney General's Office who will oversee these contracts and educate volunteer boards and executive directors of charities on the fine print contained in the contracts and their possible financial ramifications. Vote 13-1.

#### **Amendment (0590h)**

Amend the bill by replacing sections 2 and 3 with the following:

2 Paid Solicitor; Charitable Trusts; Fee Increased. Amend RSA 7:28-c, II to read as follows:

II. A paid solicitor shall register with the attorney general prior to engaging in any solicitation. Applications for registration or re-registration shall be in writing, under oath, in the form prescribed by the attorney general, and shall be accompanied by a fee of [~~\$200~~] **\$500**. The application shall contain such information as the attorney general shall require. Each registration is valid for one year and may be renewed for additional one-year periods upon application and payment of the fee.

3 Solicitor's Notice; Charitable Trusts; Fee Increased. Amend RSA 7:28-c, IV to read as follows:

IV. Prior to the commencement of each solicitation campaign, the paid solicitor shall file with the attorney general a completed "solicitation notice" on forms prescribed by the attorney general. The solicitation notice shall include a copy of the contract described in paragraph IV of this section, the projected dates when soliciting shall commence and terminate, the location and telephone number from where the solicitation shall be conducted, the name and residence address of each person responsible for directing and supervising the conduct of the campaign, a statement as to whether the paid solicitor shall at any time have custody of contributions, and a full description of the charitable program for which the solicitation campaign is being carried out. The charitable trust on whose behalf the paid solicitor is acting shall certify that the solicitation notice and accompanying material are true and complete to the best of its knowledge. The solicitation notice shall be accompanied by a fee of [~~\$75~~] **\$200**.

**HB 816**, making technical corrections to the securities laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This bill has been introduced at the request of the Secretary of State's Office. It does the following things: (1) Narrows the definition of agent to exclude certain individuals who provide the Secretary of State with securities notice filings; (2) Defines broker-dealer and agent responsibility with respect to the suitability of recommended securities; (3) Inserts authorization to charge \$100 per diem and other expenses related to a securities broker examination; (4) Shortens the time period in which the Secretary of State may consider a license

application withdrawn for lack of information; (5) Clarifies and makes technical corrections to the filing requirements for the registration of securities; (6) Authorizes the Secretary of State, rather than the Attorney General, to perform certain investigatory and enforcement functions relative to securities regulation; and (7) Increases the fine for violation of a cease and desist order. The Attorney General's Office, in its testimony, was only concerned with one section of the bill. This was addressed in the amendment so that in all sections where the Secretary of State was noted, that was changed to the Attorney General or the Secretary of State. The final change is that once the takeover bid filing is complete and accurate, the hearing shall include the offeror and the target company as parties, and shall commence within 25 days after the filing of a registration statement. Vote 13-0.

#### Amendment (0771h)

Amend the bill by replacing sections 9 and 10 with the following:

9 Securities; Investigations and Subpoenas; Application by Secretary of State. Amend RSA 421-B:22, III to read as follows:

III. In the event that a person refuses to obey a subpoena issued to him *or her* or any order or determination the secretary of state is authorized to make, the superior court, upon application by the attorney general *or secretary of state or any officer designated by the secretary of state*, may issue to the person an order directing him *or her* to appear before the attorney general *or secretary of state*, or the officer designated by him *or her*, ~~[there to]~~ to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

10 Securities; Cease and Desist Orders; Injunctions; Receivers. Amend RSA 421-B:23 to read as follows:

421-B:23 Cease and Desist Orders; Injunctions; Receivers.

I. Whenever it appears to the secretary of state that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter:

(a) The secretary of state shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of this chapter. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. *The order shall be served at the last known address of such person. Service of the order and publication of the order in a newspaper of general circulation in the area of the last known address of such person shall serve to duly notify the person of the order and of the right to a hearing on the order.* A hearing shall be held not later than 10 days after the request for such hearing is received by the secretary of state after which and within 20 days of the date of the hearing the secretary of state shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall be conducted in accordance with the rules adopted pursuant to this chapter. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him *or her* upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, *but in any case no later than 60 calendar days from the issuance of the order*, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day *from the receipt of the order and no later than the sixty-first day from the issuance of the order*, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the secretary of state, for good cause shown. The secretary of state may adopt rules of procedure concerning all proceedings conducted pursuant to this section;

(b) The attorney general *or secretary of state or his or her designee* may, with or without prior administrative action by the secretary of state, bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted ~~[and a receiver may be appointed for the defendant or the defendant's assets]~~. *In addition, the court may issue an order for other appropriate or ancillary relief, to include an asset freeze, accounting, writ of attachment, writ of general or specific execution, and an appointment of a receiver or conservator, that may be the administrator, for the defendant or the defendant's assets.* The court shall not require the attorney general *or secretary of state* to post a bond; and

(c) The attorney general *or secretary of state or his or her designee* may bring an action ~~[in the name of the state]~~ for injunctive relief and civil penalties for violations of any provision of this chapter. In any action brought by the attorney general *or secretary of state or his or her designee*, the civil penalties shall not exceed \$5,000 for each violation in the case of knowing violations, or \$2,500 for each violation in the case of negligent violations, and each of the acts specified shall constitute a separate violation. The action may be brought in the superior court of the county in which the defendant resides or has his *or her* principal place of business, or, with the consent of the parties or if the defendant is a nonresident and has no place of business within the state, in the superior court of Merrimack county.

II. In a proceeding in superior court under this section where the state prevails, the secretary of state and the attorney general shall be entitled to recover all costs and expenses of investigation, and the court shall include the costs in its final judgment.

Amend RSA 421-A:3 as inserted by section 17 of the bill by replacing it with the following:

421-A:3 Requirement of Financial Disclosure. No offeror shall make a takeover bid unless as soon as practicable on the date of commencement of the takeover bid ~~[he]~~ *the offeror* files with the secretary of state and the target company a registration statement containing the information required by RSA 421-A:4 and publicly discloses the material terms of the offer, *including the total number and class of securities sought in the offer and the type and amount of consideration offered to security holders*. The registration statement filed with the secretary of state shall be accompanied by such fees as may be prescribed under RSA 421-A:9. *The offeror shall provide the target company with any amendments or revisions to the registration statement at the same time that such amendments or revisions are filed with the secretary of state.*

Amend the bill by inserting after section 18 the following and renumbering the original section 19 to read as 20:

19 Disclosure of Security Takeovers; Scheduling of Public Hearing; Offeror and Target Companies as Parties. Amend RSA 421-A:5 to read as follows:

421-A:5 Scheduling of Public Hearing. Within 20 days after the filing of a registration statement pursuant to this chapter, the secretary of state shall commence his investigation and order a hearing, if he determines a hearing is necessary or appropriate for the protection of offerees in this state, for the purpose of determining compliance with the requirements of this chapter and whether the offeror has provided full and fair disclosure to the offerees of all material information concerning the takeover bid including the filing of a complete and accurate registration statement. Any ~~[initial]~~ hearing shall *include the offeror and the target company as parties, and shall* commence within 25 days after the filing of a registration statement.

## AMENDED ANALYSIS

This bill:

I. Narrows the definition of agent to exclude certain individuals who provide the secretary of state with securities notice filings.

II. Defines broker-dealer and agent responsibility with respect to the suitability of recommended securities.

III. Inserts authorization to charge \$100 per diem and other expenses related to a securities broker examination.

IV. Shortens the time period in which the secretary of state may consider a license application withdrawn for lack of information.

V. Clarifies and makes technical corrections to the filing requirements for the registration of securities.

VI. Authorizes the secretary of state or the attorney general to perform certain investigatory and enforcement functions relative to securities regulation.

VII. Increases the fine for violation of a cease and desist order.

VIII. Provides that the offeror and target company shall be parties to any public hearing relative to a security takeover.

This bill is a request of the department of state.

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. **ought to pass with amendment**

Rep. Leo W. Fraser Jr. for Commerce: This bill is a huge effort by the New Hampshire Banking Department to streamline the process in banking. This legislation, as amended, does the following:

(1) Adds definitions for branch offices and principal offices; (2) Changes the date the financial statement filings would be due from 60 days to 90 from fiscal year end (FYE); (3) Automatically issues a second mortgage license to a first mortgage banker when it files a notice and pays a fee; (4) Removes the per diem penalties for unlicensed activity; (5) Replaces the requirement to include the license number in mortgage brokers' and bankers' advertisements with a simple unchanging disclosure, "Licensed by the New Hampshire Banking Department"; (6) Adds language to elicit cooperation from licensees and make the examination process more efficient; (7) Allows licensees to request closed hearings to dispute items contained in the report of examination; (8) Provides a detailed list of the possible violations for which the Commissioner, following an opportunity for hearing, may deny, revoke or suspend an application or license; and (9) Changes the effective date from 1/1/04 to "upon passage" to allow the renewal procedures to be in place for the next renewal cycle. Vote 13-0.

#### Amendment 0877(h)

Amend the bill by replacing all after the enacting clause with the following:

I Definitions; "Branch Office." RSA 397-A:1, II is repealed and reenacted to read as follows:

II. "Branch office" means a business location within this state of a person required to be licensed under this chapter. Branch office does not include a person's principal office location.

2 New Paragraph; Definitions; "Commissioner." Amend RSA 397-A:1 by inserting after paragraph II the following new paragraph:

II-a. "Commissioner" means the bank commissioner.

3 New Paragraph; Definition; "Principal Office" Added. Amend RSA 397-A:1 by inserting after paragraph X the following new paragraph:

X-a. "Principal office" means the main office location of a person required to be licensed under this chapter.

4 License Application; Requirements; Investigation; Net Worth Statement, Service of Process Added. Amend RSA 397-A:5 to read as follows:

397-A:5 License Application; Requirements; Investigation.

I. To be considered for licensing, each person shall complete and file with the banking department one verified application ~~[required]~~ **prescribed** by the ~~[bank]~~ commissioner. At a minimum, the application shall state the primary business address of the applicant, the address of its principal office and all branch offices located or to be located within the state, and a list of the principal owners, officers, and directors of the applicant. The applicant shall submit any other information that the ~~[bank]~~ commissioner may require.

II.(a). The license issued for the licensee's principal place of business shall be referred to as a "principal office license." Each additional license issued for first mortgage lending activity occurring in a location *in this state that is* separate from the licensee's principal place of business shall be referred to as a "branch office license." If the applicant or licensee desires to make or broker first mortgage loans in more than one location ~~[within this state]~~, the ~~[bank]~~ commissioner, upon favorable action on the applicant's principal office license, shall issue a branch office license for each location where the business of making or brokering first mortgage loans is to be conducted.

(b) Each license application shall be accompanied by a nonrefundable application fee of \$250 for each separate office location ~~[within this state]~~ to be licensed. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the ~~[bank]~~ commissioner, consumer credit administration division.

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the ~~[bank]~~ commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. ~~[At a minimum,]~~ **The application shall include a statement of net worth. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12.** Each mortgage banker applicant ~~[must]~~ **shall** demonstrate a net worth of \$100,000 ~~[in cash or marketable securities or]~~ **or post a continuous surety bond in [said] the amount [as determined by rules adopted by the bank commissioner. At a minimum,] of \$100,000.** Each mortgage broker, or any person **required to be licensed by this section and** not funding a loan, shall ~~[provide]~~ **post a continuous** surety bond in the amount of \$20,000 to the ~~[bank]~~ commissioner. ~~[Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under~~

~~the authority of RSA 397-A:12.] Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the principal within 6 years after the act(s) upon which the recovery or suit is based.~~

III. Every applicant for licensing under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any non-criminal suit, action or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and such person has not filed a consent to service of process under this section and personal jurisdiction over such person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to such person's appointment of the commissioner to receive service of any lawful process. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(1) The plaintiff, who may be the attorney general in a suit, action or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner, and

(2) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

IV.(a) Upon the applicant's filing of the *complete* application and payment of the required fee, the [bank] commissioner shall have, in accordance with RSA 541-A:29, up to 120 days to investigate and determine whether the applicant's financial resources, experience, personnel, and record of past or proposed conduct warrant the public's confidence and the issuance of a license.

(b) The [bank] commissioner shall determine whether the applicant's proposed interest rates and fees are in accordance with the interest rates and fees charged by other first mortgage lenders, and whether said rates and fees will promote a free and competitive market.

5 License Term; Renewal; Procedure Changed. RSA 397-A:8, II is repealed and reenacted to read as follows:

II. If a person holds a valid license under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31.

6 New Paragraph; Change in Name; Ownership; Location; Obligation to Update. Amend RSA 397-A:10 by inserting after paragraph III the following new paragraph:

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

7 Record Keeping; Fine Added. Amend RSA 397-A:11, II to read as follows:

II. Those licensees that maintain their files in another state are required to return such files to their principal New Hampshire office or the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the banking department. *Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the banking department shall be sufficient cause for license revocation, suspension, or denial.*

8 Examinations; All Licensees. Amend RSA 397-A:12, III to read as follows:

III. The affairs and records [~~within this state~~] of every licensee shall be subject at any time to such periodic, special, regular, or other examination by the banking department with or without notice to the licensee. All books, papers, files, related material, and records of assets of the licensee shall be subject to the banking department's examination.

9 New Paragraphs; Examinations; Recovery of Costs Added. Amend RSA 397-A:12 by inserting after paragraph V the following new paragraphs:

VI. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation being found in default, the commissioner shall be entitled to recover the cost of the investigation, in addition to any other penalty provided for under this chapter.

VII. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or his examiners, the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

VIII. Upon receipt of a written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

IX. If so requested by the person examined, within the period allowed in paragraph VIII, or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications, if any, as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in paragraph VIII. The report shall be accepted and filed within 6 months after the final hearing thereon.

X. All reports pursuant to this section shall be absolutely privileged and although filed in the department as provided in paragraph IX shall nevertheless not be for public inspection. The comments and recommendations of the examiner shall also be deemed confidential information and shall not be available for public inspection.

10 Annual Report; Financial Statement Added. Amend RSA 397-A:13 to read as follows:

397-A:13 Annual Report.

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.

II. *Each licensee shall also file, under oath, its financial statement with the commissioner within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles with appropriate note disclosures. A first mortgage banker's financial statement shall include a balance sheet, income statement, statement of changes in owners' equity, and a cash flow statement. A first mortgage broker's financial statement shall include a balance sheet or a statement of net worth. If the financial statement filed under this section is not audited, a certification statement shall be attached and signed by a duly authorized officer of the licensee. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.*

III. The banking department shall publish its analysis of the information required [~~under this section~~] *in the licensee's annual report as a part of [its] the commissioner's annual report.*

[~~HE~~] IV. Any licensee failing to file *either the annual report or the financial statement* required by this section within the time prescribed may be required to pay to the banking department a penalty of \$25 for each calendar day the *annual report or financial statement* is overdue. [~~If a licensee elects to file a composite report and the composite report is not filed on or before February 1 as required in this section the penalty prescribed in this section shall apply separately for each license and branch license so violating.~~] The penalties *for failure to file an annual report that are* prescribed by this paragraph shall not apply to mortgage brokers licensed under this chapter who earned no money from purchasing, placing or selling first mortgage loans during the preceding year and who indicate such in writing to the banking department on or before February 1.



[H+] V. In addition to the annual report *and financial statement*, the banking department may require such additional regular or special reports as it may deem necessary to the proper supervision of licensees under this chapter.

11 Advertising; "Licensed by the New Hampshire Banking Department" Added. Amend RSA 397-A:14-a, III to read as follows:

III. Any advertisement, printing, display, publication, distribution, or broadcast offering loans governed by this chapter shall clearly and conspicuously contain the ~~[valid and existing license number issued]~~ *disclosure, "Licensed by the New Hampshire banking department" [under this chapter]*. Failure to comply with the provisions of this paragraph shall constitute sufficient cause for license revocation, suspension, or denial.

12 Consumer Inquiries; Licensee's Response; Date of Transmission Changed. Amend RSA 397-A:15-a, II to read as follows:

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is ~~[postmarked]~~ *received by the commissioner*.

13 License Revocation; Suspension; Appeal; Show Cause Order, Opportunity for Hearing Added. RSA 397-A:17, I and II are repealed and reenacted to read as follows:

I. The commissioner may issue an order requiring the person to whom any license has been granted to show cause why the license should not be revoked. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties, deny, suspend or revoke a license if it is in the public interest and the applicant or licensee, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant or licensee:

(a) Has violated any provision of this chapter or rules thereunder;

(b) Has not met the standards established in this chapter;

(c) Has accepted or processed loan applications transmitted or brokered by a mortgage broker who is not licensed, and is not exempt from licensing, under this chapter;

(d) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(e) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;

(f) Has made fraudulent misrepresentations, has circumvented or concealed, through whatever subterfuge or device, any of the material particulars or the nature thereof required to be stated or furnished to a borrower under the provisions of this chapter;

(g) Has failed to supervise its agents, managers, or employees;

(h) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending or revoking licenses or registration;

(i) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of lending or collection activities;

(j) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity;

(k) Has engaged in dishonest or unethical practices in the conduct of the business of making or collecting mortgage loans;

(l) Has violated applicable federal laws or rules thereunder; or

(m) For other good cause shown.

II. The banking department may, upon due notice and *opportunity for a hearing*, suspend any license for a period not exceeding 30 days, pending investigation by the banking department.

14 New Paragraphs; License Revocation; Suspension; Appeal; Entities; Licensee or Applicant not in Existence. Amend RSA 397-A:17 by inserting after paragraph V the following new paragraphs:

VI. If a licensee is a partnership, association, corporation or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed

to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for supervision of its branch offices and for the acts of any or all of his or her employees while acting as his or her agent if such licensee, after actual knowledge of said acts, retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

VII. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a first mortgage broker or first mortgage banker, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

15 Violations; Cease and Desist Order. Amend RSA 397-A:18 to read as follows:

397-A:18 Violations.

I. The banking department may issue and serve upon any licensee or person over whom it has jurisdiction a complaint setting forth charges whenever the department is of the opinion that the licensee or person is violating or has violated any provision of this chapter *or any rule or order under this chapter*.

II. The banking department may issue a cease and desist order against any licensee or person who it has reasonable cause to believe is in violation of the provisions of this chapter *or any rule or order under this chapter*. Delivery of such order shall be by hand or registered mail at the principal office of the licensee or other person. *The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall comply with 541-A. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.*

~~[H. If, within 15 business days after being served with a cease and desist order, the licensee or other person fails or refuses to comply or obtain a valid license, such failure shall constitute a violation of the order and this chapter.]~~

16 Administration by Commissioner; Rulemaking; Basis for Actions. Amend RSA 397-A:20 to read as follows:

397-A:20 Administration by [Bank] Commissioner; Rulemaking.

I. The [bank] commissioner shall administer and enforce the provisions of this chapter.

II. Pursuant to RSA 541-A, the [bank] commissioner may adopt such rules as he or she deems necessary to the administration and enforcement of this chapter. Such rules shall be consistent with the provisions of this chapter, and may include, but shall not be limited to, the following:

- (a) The application form for licensees required under RSA 397-A:5.
- (b) The form of license issued to licensees under RSA 397-A:6.
- (c) Annual reports required by RSA 397-A:13.
- (d) Personal disclosure statements to meet the requirements of RSA 397-A:5, III.

*III. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.*

*IV. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.*

*V. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.*

*VI. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title.*

17 Penalties; Knowing Violation, Negligent Violation Added. Amend RSA 397-A:21 to read as follows:

397-A:21 Penalty.

*I. Any person who violates any provision of this chapter shall be guilty of a misdemeanor for each violation if a natural person, or guilty of a felony if any other person.*

*II. Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or imposition of an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.*

*III. Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.*

*IV. Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation or denial of any registration or license, including forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.*

*V. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.*

18 Records and Filings. RSA 397-A:22 is repealed and reenacted to read as follows:

397-A:22 Records and Filings.

*I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.*

*II. Electronic filings, when received by the commissioner, are deemed filed, and are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.*

*III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with:*

*(a) A full explanation of the programming of any data storage or communications systems in use; and*

*(b) Information from any books, records, electronic data processing systems, computers or any other information storage system in the form requested by the commissioner.*

19 New Section; Severability. Amend RSA 397-A by inserting after section 22 the following new section:

397-A:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and to this end the provisions of this chapter are severable.

20 Change from "Bank Commissioner" to "Commissioner." Amend the following RSA provisions by replacing "bank commissioner" with "commissioner": 397-A:6; 397-A:7; 397-A:10, I; 397-A:10-a, I; 397-A:15-a, I.

21 Definitions; "Commissioner" Added. Amend RSA 397-B:1 to read as follows:

397-B:1 Definitions. In this chapter:

I. "**Commissioner**" means the *bank commissioner*.

II. "First mortgage loan" shall have the same meaning as provided in RSA 397-A:1, III.

[H:] III. "Mortgage servicing company" means an individual, partnership, corporation, association, or other entity however organized and wherever located which, for itself or on behalf of the holder of a first mortgage loan, records such payments on its books and records and performs such other administrative functions as may be necessary to properly carry out the mortgage holder's obligations under the mortgage agreement including, when applicable, the receipt of funds from the mortgagor to be held in escrow for payment of real estate taxes and insurance premiums and the distribution of such funds to the taxing authority and insurance company.

[H:] IV. "Mortgagor" means any person or persons obligated to repay a first mortgage loan.

22 Administration by Commissioner; Rulemaking; Orders. Basis for Actions Added. Amend RSA 397-B:3 to read as follows:

397-B:3 Administration by [Bank] Commissioner; Rulemaking.

I. The [bank] commissioner shall administer and enforce the provisions of this chapter and, pursuant to RSA 541-A, shall adopt such rules as the commissioner deems necessary to the administration and enforcement of this chapter.

II. *The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.*

III. *The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.*

IV. *The commissioner may require such regular or special reports as the commissioner deems necessary to the proper supervision of licensees under this chapter.*

V. *The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.*

VI. *All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title.*

VII. *If the commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a mortgage servicing company, or cannot be located after reasonable search, the commissioner may by order revoke the registration or deny the application. The commissioner may deem abandoned and withdraw any application for registration made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.*

VIII. *The commissioner may issue an order requiring the person to whom any registration has been granted to show cause why the registration should not be revoked. The registration may be revoked for violations of this chapter or any rule or order thereunder. The commissioner may issue a cease and desist order against any registrant or person whom he or she has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Delivery of such orders shall be by hand or registered mail at the principal office of the licensee or other person. The orders shall be calculated to give reasonable notice of the right of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the revocation or cease and desist order or making it permanent as the facts require. All hearings shall comply with 541-A. If the person to whom a revocation or cease*

and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the revocation or cease and desist order, the allegations of which may be deemed to be true. If the person to whom a revocation or cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

IX. The commissioner may by order deny, suspend, or revoke any registration or application if the commissioner finds that the order is in the public interest and the applicant or registrant, any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant or registrant:

(a) Has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;

(c) Has failed to supervise its agents, managers, or employees;

(d) Is the subject of an order entered within the past 5 years by the state, any other state, or federal regulator denying, suspending or revoking licenses or registration;

(e) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of mortgage servicing or collection activities;

(f) Has engaged in dishonest or unethical practices in the conduct of the business of servicing or collecting mortgage loans;

(g) Has violated this chapter or any rule or order thereunder or has violated applicable federal laws or rules thereunder; or

(h) For other good cause shown.

23 Registration; Fees; Term; Renewal; Service of Process Added. Amend RSA 397-B:4 to read as follows:

397-B:4 Registration; Fees; Term; Renewal.

I. Any mortgage servicing company which services first mortgage loans secured by real property located in the state of New Hampshire shall be required to register with the banking department by filing a registration statement on a form prescribed by the [bank] commissioner and paying an original registration fee of \$100. Each such registration shall expire on [August] **December** 31 of each calendar year. A registration may be renewed by filing a renewal statement on a form prescribed by the bank commissioner and paying a renewal registration fee of \$50, on or before, [~~August 31 of each calendar~~] **December 1 for registration for the ensuing year**. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation of the [bank] commissioner, consumer credit administration division.

II. Every applicant for registration under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any non-criminal suit, action or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and such person has not filed a consent to service of process under this section and personal jurisdiction over such person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to such person's appointment of the commissioner to receive service of any lawful process. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(1) The plaintiff, who may be the attorney general in a suit, action or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner, and

*(2) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.*

24 Penalties; Knowing and Negligent Violation, Parties Subject to License Suspension Added. Amend RSA 397-B:6 to read as follows:

397-B:6 Penalties.

*I. Any mortgage servicing company which violates any provision of RSA 397-B:5 shall be liable to the mortgagor for:*

*[F:](a) Any penalties, interest or other charges levied by the taxing authority or insurance company as a result of such violation; and*

*[H:](b) Any actual damages suffered by the mortgagor as a result of such violation, including, but not limited to, late payment penalties and associated interest, and any amount which would have been paid by an insurer for a casualty or liability claim had the insurance policy not been cancelled for nonpayment by the mortgage servicing company; and*

*[H:](c) In the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney's fees as determined by the court.*

*II. Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or the imposition of an administrative fine not to exceed \$2,500 for each violation, in lieu of or in addition to such suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.*

*III. Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to such suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.*

*IV. Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation, or denial of any registration or license, including forfeiture of any application fee, or imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.*

*V. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.*

25 Surrender; "Bank" Removed Before "Commissioner". Amend RSA 397-B:8, I to read as follows:

*I. Registrants under this chapter who cease to engage in the business of servicing mortgage loans in this state at any time during a registration year for any cause, including but not limited to bankruptcy, registration revocation, or voluntary dissolution, shall surrender such registration in person or by registered or certified mail to the [bank] commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the state a notice to such effect. The bank commissioner shall adopt rules in accordance with RSA 541-A relative to such notice.*

26 Investigations; Subpoenas; Injunctions; Costs Added. Amend RSA 397-B:9 to read as follows:  
397-B:9 Investigations; Subpoenas; Injunctions.

I. The banking department may make such public or private investigations within or outside of this state as it deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. The expense of such investigation shall be chargeable to and paid by the mortgage servicing company. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the [bank] commissioner, consumer credit administration division.

II. For the purpose of any investigation under this chapter, the banking department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

III. Whenever the [bank] commissioner has reason to believe that any mortgage servicing company has been engaged or is engaged in an alleged violation of this chapter, the commissioner may request the attorney general to seek an order from a court having jurisdiction for an injunction temporarily or permanently restraining and enjoining the continuance of such act or acts.

IV. Any action taken by the banking department or [bank] commissioner under this chapter shall not be considered as a limitation of a mortgagor's ability to seek such relief as may be provided by any statute or at common law.

***V. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation being found in default, the commissioner shall be entitled to recover the cost of the investigation, in addition to any other penalty provided for under this chapter.***

27 Records and Filings. RSA 397-B:11 is repealed and reenacted to read as follows:  
397-B:11 Records and Filings.

I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

II. Electronic filings, when received by the commissioner, are deemed filed, and are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.

III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with

(a) a full explanation of the programming of any data storage or communications systems in use; and

(b) information from any books, records, electronic data processing systems, computers or any other information storage system in the form requested by the commissioner.

28 New Section; Severability. Amend RSA 397-B by inserting after section 11 the following new section:

397-B:12 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and to this end the provisions of this chapter are severable.

29 Definitions. RSA 398-A:1 is repealed and reenacted to read as follows:

398-A:1 Definitions. In this chapter:

I. "Borrower" shall include any legal successor to the borrower's rights or obligations.

II. "Branch office" means a business location within this state of a person required to be licensed under this chapter. Branch office does not include a person's principal office location.

III. "Commissioner" means the bank commissioner.

IV. "Lender" means any person making a loan secured by a mortgage as described in this chapter and shall include any legal successor to the rights of the lender.

V. "Loan" means any loan of money or goods or forbearance of money and goods or choses in action.

VI. "Principal office" means the main office location of a person required to be licensed under this chapter.

VII. "Second mortgage banker" means a person not exempt under RSA 398-A:10 who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly:

- (a) Makes or originates second mortgage loans as payee on the note evidencing the loan; or
- (b) Advances, or offers to advance, or makes a commitment to advance the banker's own funds for second mortgage loans, or closes second mortgage loans with the banker's own funds; or
- (c) Otherwise engages in the business of funding second mortgage loans.

VIII. "Second mortgage broker" means a person not exempt under RSA 398-A:10 who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly:

- (a) Acts as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring second mortgage loans, or commitments for second mortgage loans; or

- (b) Offers to serve as agent for any person in an attempt to obtain a second mortgage loan; or

- (c) Offers to serve as agent for any person who has money to lend for a second mortgage loan.

IX. "Second mortgage loan" means a loan which is secured in whole or in part by a mortgage upon any interest in real property used as a dwelling with accommodations for not more than 4 families, which property is subject to the lien of one or more prior mortgages.

30 License Required; Requirements Added. Amend RSA 398-A:1-a to read as follows:

398-A:1-a License Required.

I. No person shall engage in the business of second mortgage loans unless ~~[he]~~ *the person [or his broker, agent or other representative]* first obtains a license as provided herein, except when the person lending money is the seller of the real estate upon which the second mortgage is to be taken as security. ~~[A person shall not be deemed to be in the business of second mortgage home loans if he or she makes not more than 4 second mortgage loans in a calendar year].~~ *A person who is licensed under RSA 397-A to broker first mortgage loans may obtain a license under this chapter to broker second mortgage loans by filing a notice and paying the fee required by RSA 398-A:1-a, III. A person who is licensed under RSA 397-A as a mortgage banker may obtain a second mortgage loan license under this chapter to make second mortgage loans by filing a notice and paying the fee required by RSA 398-A:1-a, III.*

II. The application for such license shall be in writing, under oath and in the form prescribed by the bank commissioner.

III. The *non-refundable* license fee for each calendar year or part thereof shall be \$250 *for the principal office and \$250 for each branch office.*

IV. Upon the filing of ~~[such]~~ *a complete* application and the payment of said fee, the commissioner shall investigate the interest to be imposed by the applicant in comparison with the interest generally charged by other lenders in the community in which the business of the applicant is to be conducted, and if he *or she* shall find:

(a) The financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and fairly within the purposes of this chapter; and ~~[that]~~

(b) The applicant has available for use in such business at ~~[the]~~ *each* location specified in the application at least \$25,000, or has such amount available, or actually invested in loans made under this chapter~~[-]~~ and ~~[that]~~

(c) Allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted~~[-]~~ he *or she* shall enter an order approving such application, *shall issue licenses to the applicant's principal and branch offices,* and *shall deliver [a license] the licenses to the applicant for a period which shall expire the December 31 following the date of its issuance.* Each license shall state the name and address of the licensee and shall be *conspicuously* posted in the licensee's place of business. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under ~~[any other trade name unless he shall have a separate license therefor]~~ *a trade name or any other name different from the name stated in its license unless the license reflects the trade name in addition to the licensee's legal name.* If the commissioner shall not so find, he *or she* shall enter an order denying such application and immediately notify the applicant of the denial~~[-returning the license fee]~~. Before the corporate or trade name under which the licensed business is conducted is changed, the licensee shall give notice to the commissioner who shall amend the license accordingly without cost.



V. [The applicant shall also, at the same time file with the commissioner a surety company bond to the state, in the sum of \$5,000, to be approved by the commissioner, for the use of the state and of any person who may have a cause of action against the principal in said bond under the provisions of this chapter and conditioned that he will conform to and abide by each provision of this chapter and will pay to the state and to any such person any sum that may become due or owing to the state or to such person from said principal under and by virtue of the provisions hereof.] *No license shall be issued to any person whose principal place of business is located outside of this state unless that person designates an agent residing within this state for service of process.*

VI. *Each license issued under the provisions of this chapter shall state the name and address of the principal office of the licensee and, if the license is a branch office license, the name and address of the branch office location for which that license is issued.*

VII. *If a person holds a valid license under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31.*

VIII. *Persons making second mortgage home loans who are licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.*

31 Revocation; Show Cause Order. Actions by Another, Appeal, Licensee or Applicant not in Business; Cease and Desist Order Added. RSA 398-A:1-b is repealed and reenacted to read as follows:

398-A:1-b Revocation.

I. The commissioner may by order, upon notice and opportunity for a hearing, deny, suspend or revoke a license if it is in the public interest and the applicant or licensee, any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant or licensee:

- (a) Has violated any provisions of this chapter, or rules or orders thereunder;
- (b) Does not meet the standards established in RSA 398-A:1-a, IV. The licensee shall have a right of appeal to the board of trust company incorporation;
- (c) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;
- (d) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;
- (e) Has made fraudulent misrepresentations, has circumvented or concealed, through whatever subterfuge or device, any of the material particulars or the nature thereof required to be stated or furnished to a borrower under the provisions of this chapter;
- (f) Has failed to supervise its agents, managers or employees;
- (g) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending or revoking licenses or registration;
- (h) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from in engaging in or continuing any conduct or practice involving any aspect of lending or collection activities;
- (i) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity;
- (j) Has engaged in dishonest or unethical practices in the conduct of the business of making or collecting mortgage loans;
- (k) Has violated this chapter or any rule or order thereunder or has violated applicable federal laws or rules thereunder; or
- (l) For other good cause shown.

II. The commissioner may issue an order requiring the person to whom any license has been granted to show cause why the license should not be revoked. The order shall be calculated to give reasonable notice of the opportunity for hearing, and shall state the reasons for the issuance of the

order. A license may be suspended or revoked by the commissioner for violation of this chapter or any rule or order thereunder, for violation of applicable federal laws, or for other good cause shown.

III. If a licensee is a partnership, association, corporation or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for supervision of its branch offices and for the acts of any or all of its employees while acting as its agent if such licensee, after actual knowledge of said acts, retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

IV. Any license revocation, suspension, or unfavorable action by the department on a license shall comply with the provisions of RSA 541-A. An aggrieved licensee may, pursuant to RSA 541-A and RSA 541, appeal an unfavorable action by the department. The department may take action for immediate suspension of a license, pursuant to RSA 541-A.

V. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

VI. The commissioner may issue a cease and desist order against any licensee or person who it has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Delivery of such order shall be by hand or registered mail at the principal office of the licensee or other person. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall comply with 541-A. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

32 Examinations; Subpoena Power, Reports Added. Amend RSA 398-A:1-c to read as follows:  
398-A:1-c Examinations.

I. For the purpose of discovering violations of this chapter and the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.) the commissioner may, either personally or by any person designated by the commissioner, at any time, investigate the loans and business of any licensee and of any person, partnership, or corporation by whom any such loan shall be made, whether such person, partnership, or corporation shall act, or claim to act, as principal, agent, or broker, or under or without the authority of this chapter; and for that purpose the commissioner shall have free access to the books, papers, records, and vaults of all such persons, partnerships, and corporations. The commissioner shall also have authority to examine, under oath, all persons whose testimony the commissioner may require, relative to such loans or business.

II. *The commissioner shall have the power to issue a subpoena to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before the commissioner in any matter over which the commissioner has jurisdiction, control or supervision pertaining to the provisions of this chapter. The commissioner shall have the power to administer oaths and affirmation to any person whose testimony is required. If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, any justice of the superior court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the superior court, for the witness to appear before the superior court to give testimony, and to produce evidence as required thereby. Upon filing such*

order in the office of the clerk of the superior court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the commissioner may apply to any justice of the superior court who, after proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and, upon such person's being brought before such justice, proceed to a hearing of the case. The court shall have power to enforce obedience to such subpoena, and the answering of any question and the production of any evidence that may be proper, by a fine not exceeding \$10,000 or by imprisonment, or by both.

III. The commissioner may require such regular or special reports or other information as the commissioner may deem necessary to the proper supervision of licensees under this chapter.

IV. Those licensees or persons that maintain their files and business documents in another state shall appoint a New Hampshire agent and shall return such files and documents to their principal New Hampshire office or the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the banking department. Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the banking department shall be sufficient cause for license revocation, suspension, or denial or other penalties under this chapter.

33 Costs; Costs Against Person in Violation Added. Amend RSA 398-A:1-d to read as follows:  
398-A:1-d Cost.

I. The commissioner may make such an examination of the affairs, business, office, and records of any licensee. The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the [bank] commissioner, consumer credit administration division.

II. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation being found in default, the commissioner shall be entitled to recover the cost of the investigation, in addition to any other penalty provided for under this chapter.

III. Every person being examined, and all of the officers, directors, employees, agents and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

IV. Upon receipt of a written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

V. If requested by the person examined, within the period allowed in paragraph IV, or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of the commissioner's order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications, if any, to the report as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in paragraph IV. The report shall in any event be accepted and filed within 6 months after the final hearing thereon.

VI. All reports pursuant to this section shall be absolutely privileged and, although filed in the department as provided in paragraph V, shall not be for public inspection. The comments and recommendations of the examiner shall also be deemed confidential information and shall not be available for public inspection.

34 Report: Financial Statement Added. Amend RSA 398-A:1-e to read as follows:

398-A:1-e Report.

**I.** Each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. [~~Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operated licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.~~] The commissioner shall publish an analysis of the information required under this section as a part of his *or her* annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue. [~~If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required under this section, the penalty prescribed in this section shall apply separately for each license held.~~]

**II.** Each licensee shall also file, under oath, its financial statement with the commissioner within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet, income statement, statement of changes in owners' equity, a cash flow statement and note disclosures. If the financial statement is not audited, a certification statement shall be attached and signed by a duly authorized officer of the sales finance company. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge. Any licensee failing to file the financial statement required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue.

35 Consumer Inquiries; Response to Consumer Complaint; Date of Transmission Changed. Amend RSA 398-A:6-a, II to read as follows:

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is [postmarked] received by the commissioner.

36 Penalties; Knowing and Negligent Violation, Actions by Another, Added. Amend RSA 398-A:7-a to read as follows:

398-A:7-a Penalty.

**I.** Any person who wilfully violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, for each such violation.

**II.** Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or imposition of an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.

**III.** Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or imposition of administrative fine not to exceed \$1,500 for each violation in lieu of or in addition to suspension or revocation, as may be applicable under this title, for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation.

**IV.** Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation or denial of any registration or license, including forfeiture of any application fee, or imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

**V.** Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by

*law, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.*

37 Rulemaking Authority; Orders, Basis for Actions, Added. Amend RSA 398-A:13 to read as follows:

398-A:13 Rulemaking Authority.

*I. The [bank] commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter governing institutions which make second mortgage loans within the state of New Hampshire [relative] including but not limited to the following:*

*[H-](a) The application forms for licenses under RSA 398-A:1-a.*

*[H-](b) The reports required by RSA 398-A:1-e.*

*[HH-](c) Procedures for responding to consumer concerns and inquiries.*

*[IV. [Repeated.]]*

*II. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.*

*III. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.*

*IV. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.*

*V. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title.*

38 New Section; Records and Filings. Amend RSA 398-A by inserting after section 13 the following new section:

398-A:14 Records and Filings.

*I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.*

*II. Electronic filings, when received by the commissioner, are deemed filed, and are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.*

*III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with*

*(a) a full explanation of the programming of any data storage or communications systems in use; and*

*(b) information from any books, records, electronic data processing systems, computers or any other information storage system in the form requested by the commissioner.*

39 Change from "Bank Commissioner" to "Commissioner." Amend the following RSA provisions by replacing "bank commissioner" with "commissioner": 398-a:1-f; 398-A:6-a, I; 398-A:11; and 398-A:12.

40 Repeal. The following are repealed:

*I. RSA 397-A:4, VIII, relative to exemptions from the licensing of nondepository first mortgage bankers and brokers.*

*II. RSA 398-A:10, VIII, relative to exemptions from the regulation of second mortgage home loans.*

41 Effective Date. This act shall take effect 30 days after its passage.

**HB 827**, establishing a committee to study the costs and benefits to the state of a state-level community reinvestment act for credit unions and non-bank mortgage lenders doing business in this state. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would create a committee to study the costs and benefits to the state of a statewide level community reimbursement act for credit union non-bank

mortgage lenders. So far as credit unions are concerned, they can only lend to their individual depositors and as such being non-profit financial organizations would now be subject to the Credit Reporting Act. Non-bank mortgage lenders do not take deposits so that they too would be exempt from this bill. As both financial institutions identified in the bill would be exempt, the committee felt that legislation to create a study committee was not appropriate. Vote 13-0.

**HB 837-FN**, relative to the release of real estate liens. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would have reduced the time for real estate lien holders to record in the registry of deeds the discharge of a lien from 60 to 30 days. The New Hampshire Department of Employment Security (among others) appeared in opposition to the bill, as the section of the law intended to be amended would directly affect them. It became quite apparent that the amendment was not the correct section to be changed. As a result of the hearing and subsequent work session, the committee was satisfied that there are too many different reasons for needing the 60 days, and therefor the recommendation was to report the bill as ITL. The committee is very sensitive to this issue, but this legislation creates more problems than the problem it attempts to solve. Vote 13-0.

**HCR 4**, urging adoption and implementation of a national do-not-call list for telemarketers. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed resolution would have been an effort to raise the level of awareness on the Federal Trade Commission (FTC) in adopting a national do-not-call list. Since the HCR was introduced, the FTC has promulgated legislation and, in fact, fully funded the program. This proposed resolution is no longer necessary. Vote 18-1.

**HB 205**, relative to the use of criminal records and reports. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald C. Smith for Criminal Justice and Public Safety: This legislation adds the National Crime Prevention and Privacy Compacts to RSA 106-B:14 implementing the national exchange of criminal history records for non-criminal purposes. Currently only NH convictions are available. The Deputy Commissioner of Safety advised, "there can be no changes to the wording of the Compact." Presently 16 states belong and that number is expected to be 45 in the near future. New Hampshire is somewhat of a safe haven for pedophiles, embezzlers, etc. because information is not shared. No one spoke in opposition to this bill. Vote 12-0.

**Amendment (0791h)**

Amend RSA 106-B:14, III as inserted by section 2 of the bill by replacing it with the following:

III.(a) The general court hereby approves and ratifies the National Crime Prevention and Privacy Compact, 42 U.S.C. sections 14611-14616, as it existed on January 1, 2002, and the compact shall remain in effect until legislation is enacted renouncing or rescinding the compact.

(b) Criminal history information shall be made available according to the provisions of the National Crime Prevention and Privacy Compact.

(c) The commissioner of the department of safety shall execute, administer, and implement the compact on behalf of the state, and may adopt rules, pursuant to RSA 541-A, as necessary for the national exchange of criminal history records for noncriminal justice purposes.

(d) Nothing in this paragraph shall alter the duties and responsibilities of the commissioner of the department of safety regarding the dissemination of criminal history records within the state of New Hampshire.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

**HB 208**, relative to name changes for inmates and parolees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill was filed at the request of the Department of Correction. The DOC's concern was that a burdensome and frivolous number of requests for name changes were being received. The DOC also recognized that there are circumstances when an inmate, parolee, or registered sexual offender has a compelling reason to request a name change. The bill, as amended, requires the probate court to issue a copy of any order on a petition for a name change made by an individual who is on probation or parole, or for a person who is required to register as a sexual offender against children, to the DOC or to the Department of Safety. This bill makes the petition a final procedure and provides for a record of each petition and should reduce frivolous petitions. Vote 15-0.

**Amendment (0555h)**

Amend the bill by replacing all after the enacting clause with the following:

I Change of Name. Amend RSA 547:3-i, II to read as follows:

II. Before the probate court may grant a change of name for a person who is incarcerated, or on probation or parole, or for a person who is required, pursuant to RSA 651-B, to register as a sexual offender or an offender against children and who is no longer subject to supervision by the department of corrections, the petitioner shall make a compelling showing that a name change is necessary. For a person who is incarcerated, or on probation or parole, the petitioner shall serve a copy of the petition, *pursuant to RSA 547:29*, on the department of corrections. For a person who is required to register as a sexual offender or an offender against children and who is no longer subject to supervision by the department of corrections, the petitioner shall serve a copy of the petition, *pursuant to RSA 547:29*, on the department of safety. *Upon ruling on the petition, the probate court shall issue a copy of its order to the department of corrections or, if the petitioner is no longer subject to the supervision of the department of corrections, to the department of safety.*

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires the probate court to issue a copy of any order on a petition for a name change made by an individual who is on probation or parole, or for a person who is required to register as a sexual offender or as an offender against children, to the department of corrections or to the department of safety.

**HB 283-FN**, establishing the penalty for endangering the welfare of a child or incompetent resulting in death or serious bodily harm. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: this bill would have raised the penalty of endangering the welfare of a child or incompetent which results in death or serious bodily injury from a misdemeanor to a class A felony. The committee felt that this issue was adequately addressed in HB 718 which raises this penalty to a class B felony. Vote 15-1.

**HB 389**, relative to victim impact statements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Constance A. Jones for Criminal Justice and Public Safety: Without this bill, there could be an attempt made to keep information from the court. This bill makes it very clear that the victim shall have the opportunity to be heard, without restriction, before the judge accepts a plea or before imposing a sentence, even if he or she cannot speak for themselves. The wording is such that it leaves no doubt that a victim of a crime, or attempted crime, may designate a representative to assist the victim in making an impact statement to the court and that the impact statement may include injuries, harm, or damages that were not fully determined or discovered at the time the information indictment was filed. The bill also deletes a portion of a 1993 session law prohibiting the funding of certain positions in the office of victim/witness assistance with funds from the victims' assistance fund. Vote 17-0.

**Amendment (0258h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Office of Victim/Witness Assistance; Prohibition on Funding Deleted. Amend 1993, 358:88 to read as follows:

358:88 Office of Victim/Witness Assistance; Funding of Positions. Notwithstanding any other provision of law to the contrary, salary and benefits moneys from any existing vacancy in the department of justice may be used to fund the positions in PAU 02, 04, 02, 07, class lines 10, 14 and 60. ~~[These positions shall not be funded with moneys from the victims' assistance fund.]~~

**AMENDED ANALYSIS**

The bill provides that a victim of a crime or attempted crime may designate a representative to assist the victim in making an impact statement to the court and that the victim impact statement

may include injuries, harm, or damages that were not fully determined or discovered at the time the information or indictment was filed. The bill also deletes a portion of a 1993 session law prohibiting the funding of certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

**HB 410**, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill establishes requirements for disclosure of information by current or former employers for purposes of background investigations conducted by criminal justice agencies of applicants for police, corrections, and security employment. The bill grants limited immunity to employers, the director of the police standards and training council, and criminal justice agencies for disclosure of employment or criminal history information. This bill was requested by the police standards and training council. The amendment corrects typographical errors. Vote 17-0.

**Amendment (0451h)**

Amend the bill by replacing section 1 with the following:

I Purpose. The purpose of this act is to provide sufficient protection to employers to allow a free exchange of information to ensure the suitability of persons hired by criminal justices agencies for sensitive police or corrections employment.

Amend RSA 188-F:32-d, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) "Criminal justice agency" means a police department, sheriff's office, the police standards and training council, the department of safety, the fish and game department, the liquor commission, or any other state law enforcement agency, or the administrative office of the courts.

Amend RSA 188-F:32-d, V as inserted by section 2 of the bill by replacing it with the following:

V. The immunity provided in paragraph IV shall also apply to any criminal justice agency or its authorized agents who reject an applicant as not morally or temperamentally fit for police employment on the basis of a background investigation, criminal history or military discharge information, polygraph or psychological testing, and shares that information with another prospective criminal justice employer.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation allows a defendant whose case was dismissed, not prosecuted, or such person was found not guilty, to file a petition for annulment of record immediately upon such determination. The court shall inquire of the state if it has no objection. If it does not, the court may immediately act upon the petition for annulment of the record of arrest immediately granting the same if the court deem it appropriate to do so. Vote 17-0.

**Amendment (0542h)**

Amend RSA 651:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record at any time in accordance with the provisions of this section. *Immediately upon court order issuing upon a finding of not guilty or when the case is dismissed or not prosecuted, the defendant may immediately file a petition for annulment of record. If this petition is filed immediately following an acquittal in court, the court shall inquire of the state if it has no objection. If it does not, the court may immediately act upon the petition for annulment of the record of arrest, immediately granting the same if the court deems it appropriate to do so.*

**HB 483**, relative to expungement of records of protective orders. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was found to be lacking support from most of those who spoke on the bill. It became obvious after careful investigation that the State Police and the Federal Data Base (NCIC) already expunge these records once the protective order expires. The courts, however, retain them. The committee is of the opinion that these records should be kept for accountability of prior history particularly as they pertain to criminal



cases. The bill as presented had no standards on how this might be accomplished. In conclusion, the fiscal note on this bill advised it would add to the overall cost of the courts to enact it. Vote 18-0.

**HB 495**, relative to unauthorized access to a wireless computer network. **OUGHT TO PASS**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill came about innocently enough when a gentleman who is well versed in wireless computers and wireless technologies in general was walking near a company while he was using his wireless computer and inadvertently opened the company's computers up onto his hand-held screen while he was using his wireless computer. He went to the company and advised them that their system was not encrypted and told them what could have happened if he was an unscrupulous individual. To make a long story short, the bill simply puts the responsibility of encryption on the owner of the data where it belongs to avoid accidental access to a company's computer system and its files. Vote 15-0.

**HB 580-FN-A**, establishing a task force for the promotion of firearm safety and environmental awareness. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill has some laudable ideas but the committee felt that these would be better served in a joint resolution of the House & Senate rather than in its present form. Most of the goals/programs are already to some degree or other in place. The committee strongly endorses a resolution to encourage our school districts to take part in firearm safety just as they do for poison and other accidents. Vote 15-0.

**HB 615-FN**, relative to the requirements for registration of sexual offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill requires the registration of sexual offenders whose victims are under the age of 16. Current law states the age as 13. This bill also requires the name, address, physical description and photograph to be registered in the sexual offender data base. This bill will eliminate the present requirement of the Department of Safety maintaining a list of those requesting information from the offenders registry list. Vote 13-0.

**Amendment (0818h)**

Amend the bill by replacing all after the enacting clause with the following:

I Registration of Criminal Offenders; Duty to Report. Amend RSA 651-B:4, I to read as follows:

I.(a)(I) Any person required to be registered under this chapter shall ~~[be required to]~~ report such person's current mailing address, place of residence or temporary domicile, and place of employment or schooling to the local law enforcement agency within 30 days after the person's release from custody following conviction, or within 30 days after the person's date of establishment of residence in New Hampshire if convicted elsewhere. Such report shall also be made annually within 30 days after each anniversary of the person's date of birth[;] and additionally within 30 days after any change of address or place of residence.

*(2) Such person shall also be required to submit to a photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.*

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year ~~[is required to]~~ *shall* report to the local law enforcement agency having jurisdiction over the place of employment or school within 10 days of the nonresident offender entering the state for employment or schooling, and additionally within 10 days after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by department rules adopted in accordance with RSA 651-B:8. Such report shall also be made annually within 30 days after each anniversary of the person's date of birth, and additionally within 10 days after any change of address or place of employment or schooling.

2 Registration of Criminal Offenders; Record of Information Disclosure. Amend RSA 651-B:7 IV(a) as follows:

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules ~~shall~~ *may* also include provisions for ~~[identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for]~~ the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

3 Registration of Criminal Offenders; Availability of Information. RSA 651-B:7, II is repealed and reenacted to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who have been convicted of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

- (1) RSA 632-A:2, I(1).
- (2) RSA 632-A:2, II.
- (3) RSA 632-A:3, II-III.
- (4) RSA 645:1, II.
- (5) RSA 645:1, III.
- (6) Any offense described in RSA 651-B:1, V.

(b) The list described in subparagraph (a) shall include:

- (1) The name and address of the registered individual;
- (2) A photograph of the registered individual, if available;
- (3) A physical description of the registered individual, if available;
- (4) The offense for which the registered individual was convicted;
- (5) The date and court of the conviction for which the individual is registered and the date and court of the registered individual's other convictions, if any;
- (6) Information on the victim or victims of the registered individual's offense or offenses; and
- (7) The method of approach to the victim utilized by the registered individual.

(c) In no event shall the list include the identity of any victim.

4 Applicability. The provisions of this act shall apply to any person required to be registered pursuant to RSA 651-B:2 as of the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

**HB 630-FN**, relative to penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members. **OUGHT TO PASS WITH AMENDMENT** Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill permits extended terms of imprisonment for persons who commit assaults, against a person who is acting in the line of duty. The new bill would raise it to a Class B felony from the present misdemeanor. The amendment adds firefighters, emergency medical care providers and National Guard members to the present statute. Vote 17-1.

#### Amendment (0764h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

Amend the bill by replacing all after the enacting clause with the following:

1 Extended Term of Imprisonment. Amend RSA 651:6, I(h) to read as follows:

(h) He has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he knows the victim was, at the time of the commission of the crime, a law enforcement officer, *firefighter, emergency medical care provider or national guard member* acting in the line of duty; or

2 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill permits extended terms of imprisonment for persons who commit assault on on-duty law enforcement officers, firefighters, emergency medical care providers, and national guard members.

**HB 637-FN**, relative to damages against a defendant based upon the defendant's conviction of a felony offense. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill would lengthen the statute of limitations for civil actions for damages against a criminal defendant convicted of a felony. It would allow a victim to commence an action for damages against a defendant within ten years of the date on which the defendant completed the terms of sentence. This proposal would be a substantial increase in the general statute of limitations which is three years. A great many felony offenders do not have assets to satisfy a judgment. Where assets do exist, civil actions will likely continue to be brought within the current statute of limitations. Vote 11-1.

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill brought out some very strong concerns. Most at the public hearing came forward for the same reason: tenants and/or guests of the tenants were rendering useless a fire protection device that could in most cases save lives. They were either destroying or disconnecting or in some other way making inoperable smoke detectors in the rental properties. This bill addresses that and it makes it a misdemeanor and holds the tenant or his guest criminally liable for such an act. Those from rental management companies to the individual renter and the state's Fire Marshal all concurred the need for this bill. Vote 12-0.

**Amendment (0654h)**

Amend RSA 634:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Any person who is found guilty of criminal mischief under this section because such person is a tenant, or a guest of such tenant, in a rental dwelling who has destroyed, disconnected, or otherwise rendered inoperable any smoke detector in the rental dwelling, or who has attempted the same in a rental dwelling, shall be guilty of a misdemeanor.

## AMENDED ANALYSIS

This bill makes a tenant or a guest of such tenant criminally liable for destroying, disconnecting, or rendering inoperable a smoke detector in a rental dwelling and provides that the tenant or guest of such tenant shall be guilty of a misdemeanor.

**HB 659-FN**, relative to penalties for failure to obey a subpoena or summons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill would have increased the current penalty for a non-party witness who either refused or who otherwise had no reasonable excuse not to testify or appear as summoned from a violation to a class B misdemeanor and added a feature that would have made a second or subsequent offense rise to a class A misdemeanor. The amendment makes the bill "gender neutral". The amendment also keeps the penalty for the witness as a violation, but adds that "such person may be ordered to pay costs". Vote 15-0.

**Amendment (0655h)**

Amend the bill by replacing section 1 with the following:

1 Attendance of Witnesses; Penalty. Amend RSA 516:7 to read as follows:

516:7 Penalty. Every court, justice, and notary, before whom a person has been summoned to appear and testify or to give a deposition, may bring the person neglecting or refusing to appear or to testify or to give ~~his~~ a deposition, by attachment, before them, and if, on examination, ~~he~~ such person has no reasonable excuse, ~~may find him~~ such person shall be guilty of a violation, and may ~~order him~~ be ordered to pay costs.

## AMENDED ANALYSIS

This bill provides that a person who fails to obey a subpoena or summons shall be guilty of a violation and may be ordered to pay costs.

**HB 690-FN**, relative to agricultural crop damage. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt the farmers deserve the same protection as other businesses when a person intentionally damages their crops. This bill provides civil and criminal penalties. Vote 16-2.

**Amendment (0759h)**

Amend RSA 539:9, I as inserted by section 1 of the bill by replacing it with the following:

I. Whoever shall knowingly cut, fell, destroy, injure, contaminate, carry away, tamper with, or vandalize any legal crop or legal crop bearing tree or plant, cropland, pasture, or pasture land, or aid in such action without permission of the owner, shall forfeit to the person injured no less than 3 times and no more than 10 times the market value or repair cost.

**AMENDED ANALYSIS**

This bill provides civil and criminal penalties for intentionally damaging legal crops.

**HB 718-FN**, relative to endangering the welfare of a minor and amending the statute of limitations for sexual assault of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill as introduced, consisted of four parts. The first section removed the statute of limitations for sexual assault and incest where the victim was under 18 years of age when the alleged offense occurred. The amendment removed this section of the bill and retained the current statute which allows prosecution to commence within 22 years of the victim's eighteenth birthday. Section four of the bill was moved to section one. This section allows prosecution of an adult who is accused of committing a serious crime, so outlined in RSA 628:1, II, when such crime was committed when the person was 13 years of age or older, but was never charged. Prosecution may commence without first certifying the accused as an adult, if such person has attained adulthood. Section two of the bill allows for prosecution of any offense where destruction or falsification of evidence, witness tampering, or other unlawful conduct delayed discovery of the offense, within one year of the discovery of the offense. Section three deals with Endangering Welfare of Child or Incompetent. A person is guilty of a class B felony if the endangerment of the child or incompetent involves the death, serious bodily injury or sexual assault of the child, or incompetent. This penalty may result in a 3-1/2 to 7 year sentence. The current penalty is a misdemeanor which can result in a sentence of not more than one year. Vote 16-0.

**Amendment (0867h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

Amend the bill by replacing section 1 with the following:

I Criminal Responsibility: Immaturity. Amend the introductory paragraph of RSA 628:1, II to read as follows:

II. A person 13 years of age or older may be held criminally responsible for the following offenses ~~[if the person's case is transferred to the superior court under the provisions of RSA 169-B:24]:~~

**AMENDED ANALYSIS**

This bill:

I. Deletes the juvenile transfer requirement and provides that a person 13 years of age or older may be held criminally responsible for certain offenses.

II. Adds a one-year, discovery rule, statute of limitations for the prosecution of any offense which is delayed as a result of destruction or falsification of evidence or witness tampering.

II. Provides that endangering the welfare of a child or incompetent which results in the death, serious bodily injury, or sexual assault of the child or incompetent shall be a class B felony.

**HB 731-FN**, relative to penalties for intoxication and under the influence of drug offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was poorly written. It would attempt to bring the weight of the federal Ricco law into our driving after revocation offenses by creating a forfeiture of the vehicles used in some of these offenses. It would amend parts of the DWI penalties by eliminating the impaired driver intervention programs as well as the other multiple DWI offender detention center programs and some drug-related intervention program require-

ments of persons convicted of these offenses. New Hampshire now has some of the best and strongest DWI laws in the nation. To amend or tinker with them at this time, and in this way, would be draconian. From the Department of Health and Human Services and our courts to corrections, all point to increased cost, delays, trials and collections, not to mention that the programs of detention and intervention that are working would be lost. Vote 17-0.

**HB 749**, relative to the statute of limitations in criminal cases where a defendant is identified by a DNA profile. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: Initially this bill was introduced to add a new paragraph to RSA 625:8 which would allow the state to commence prosecution against a defendant within one year after discovery of a match between the defendant's DNA sample and a DNA record contained in the DNA database defined in RSA 651-C, notwithstanding the statute of limitations. The committee felt that the sponsors' intent would be better achieved by amending RSA 597-A:7 which allows the commencement of a criminal proceeding begun by complaint which sets forth the name or description of the party accused. The current bill as amended, says, "The description of the accused may include an identifiable ridge skin impression or a DNA profile." In plain language "an identifiable skin impression" is a fingerprint. In adding this sentence to RSA 592-A:7, the state may obtain a so-called "John Doe warrant" when it is able to identify a defendant by fingerprint or DNA evidence. Vote 13-0.

#### **Amendment (0659h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the description in a criminal complaint of the party accused.

Amend the bill by replacing all after the enacting clause with the following:

1 Jurisdiction and Procedure; Complaints. Amend RSA 592-A:7 to read as follows:

592-A:7 Complaints. Criminal proceedings before a district or municipal court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense ~~[with which he is]~~ charged. *The description of the accused may include an identifiable ridge skin impression or a DNA profile.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill provides that a description of the accused in a criminal complaint may include an identifiable ridge skin impression or a DNA profile.

**HB 825**, establishing a committee to study methods of safely reducing the prison population in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard E. Kennedy for Criminal Justice and Public Safety: This bill, establishing a committee to study methods of safely reducing the prison population, is amended to study any issues concerning prison population. In light of the proposed closing of the Goffstown Prison for Women, and the shifting of male prisoners from the Lakes Region Facility to Berlin and Concord, all our prison facilities will be stressed. It makes sense to monitor this situation. Vote 18-0.

#### **Amendment (0600h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study methods of safely reducing the prison population in the state and any other issues involving the prison population.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall issue an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003, and shall issue a final report on or before November 1, 2004.

**HB 124**, relative to the membership on the regional community-technical college board of trustees. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce Dearborn for Education: This bill added one Representative and one Senator to the New Hampshire Technical Colleges board of trustees. House Bill 258 which adds one Representative and one Senator to the New Hampshire Technical Colleges has been passed by the Executive Departments and Administration Committee. Therefore, this bill is not necessary. Vote 15-0.

**HB 267**, relative to the collection of data on the status of air quality in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon M. Carson for Education: The Committee felt that this issue, while a very important one to our schools, is already being addressed by other State agencies and legislation at this time is not appropriate. Vote 19-0.

**HB 362-L**, relative to approval of certain capital and operating costs in the Fall Mountain regional school district. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The Committee felt this was a local issue. According to testimony from the Department of Education, the language of the bill would place the Fall Mountain district in a unique position relative to all other school districts. Further court action is pending on the issues in question. Vote 17-2.

**HB 542**, establishing a committee to study replacing the New Hampshire statewide improvement and assessment test with testing which complies with the requirements of the federal No Child Left Behind Act of 2001. **INEXPEDIENT TO LEGISLATE**

Rep. J. D. Colcord for Education: The committee believed that the Legislative Oversight Committee established under the Statewide Education Improvement and Assessment Program could accomplish the actions as required by the No Child Left Behind Act. Because of this, the committee and the sponsor agreed that a new study committee was not required. Vote 19-0.

**HB 568-L**, relative to legal residency for the purpose of public school education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill brings us into compliance with the Federal McKinney-Vento Act and creates a method of final determination in case of dispute by relevant districts. Vote 18-0.

**Amendment 0444(h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Pupils; Legal Residence of Homeless Children. RSA 193:12, IV is repealed and reenacted to read as follows:

IV. The term "homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence, and shall include the following:

(a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

(b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

(d) Migratory children, as defined in 20 U.S.C. 6399 who qualify as homeless because such children are living in circumstances as described in subparagraphs (a)-(c).

2 Pupils; Legal Residence of Homeless Children. Amend RSA 193:12, VI to read as follows:

VI. The [superintendent] *commissioner of the department of education, or designee* shall decide residency issues under this section. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of *the department of education, or designee* shall make a determination and such determination shall be final. *In any case, a written explanation shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education.* No school district shall deny a pupil attendance or implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil's school of origin during the pendency of a determination of residency and shall be counted in the average daily membership in residence in the district of residence. In this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled. Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill changes the definition of legal residency for homeless children and youths and provides that disputes regarding residency shall be resolved by the commissioner of the department of education, or a designee.

**HB 662-FN**, establishing the New Hampshire volunteer elementary teachers and students program. **INEXPEDIENT TO LEGISLATE**

Rep. Tim Dunn for Education: The majority of the committee was of the opinion that much of what this bill calls for is already being done. It is handled at the local level through parent associations and other school volunteer organizations. The testimony for legislation was not compelling. Vote 18-1.

**HB 785-FN**, requiring the commissioner of the department of education to establish a public school choice initiative. **OUGHT TO PASS**

Rep. John R.M. Alger for Education: This bill was the result of a study bill. The study done last year recommended the Department of Education encourage public school districts to contract together for choices of public school in order to enhance the quality of education within the participating schools. We learned that Maine has such a program and the unanimous vote of the committee would encourage this initiative to address the need of rural school districts by providing school choice. Vote 19-0.

Referred to Finance.

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill, as amended, requires that all pre-recorded political messages shall include the names of the organization that the person is calling on behalf of, and the name of the person or organization paying for the call and the fiscal agent, if applicable. Furthermore, no one shall be called whose name is on a "do not call" list. Violators shall be subject to an administrative fine of \$250 per incident, up to a total of \$50,000. Vote 16-2.

## Amendment (0547h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Political Advertising; Prerecorded Political Messages. Amend RSA 664 by inserting after section 14 the following new section:

664:14-a Prerecorded Political Messages.

I. In this section, "prerecorded political message" means a prerecorded audio message delivered by telephone by:

(a) A candidate or political committee; or

(b) Any person when the content of the message expressly or implicitly advocates the success or defeat of any party, measure, or person at any election, or contains information about any candidate or party.

II. No person shall deliver a prerecorded political message unless the message contains, or a live operator provides immediately after telephone contact, the following information:

(a) The name of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the fiscal agent, if applicable.

III. No person shall deliver a prerecorded political message to any telephone number on the person's do not call list, or on any state or federal do not call list, or to any telephone number which has otherwise been the subject of a request that no further prerecorded political messages be delivered by the person to the telephone number.

IV. Violators of this section shall not be subject to penalties under RSA 664:21, V, but shall be subject to an administrative fine of \$250 per incident up to a total of \$50,000.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires that certain identifying information accompany prerecorded political telephone messages.

**HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy. OUGHT TO PASS WITH AMENDMENT**

Rep. Harriet E. Cady for Election Law: This bill was to prevent negative telephone solicitation of votes but was amended to allow the candidate in their own voice to answer any last minute negative calls. Vote 18-0.

**Amendment (0792h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Political Expenditures and Contributions; Political Advertising; Use of Automatic Telephone Dialing Systems. Amend RSA 664 by inserting after section 16-a the following new section:

664:16-b Use of Automatic Telephone Dialing Systems.

I. In this section:

(a) "Automatic telephone dialing system" means any automatic terminal equipment which stores or produces numbers to be called randomly or sequentially and which delivers a prerecorded message to the number called without assistance of a live operator.

(b) "Caller identification information" means:

(1) The telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or

(2) Other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.

(c) "Per-call blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on an individual call if the calling party acts affirmatively to prevent the transmission of the caller identification information.

(d) "Per-line blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on every call unless the calling party acts affirmatively to release the caller identification information.

(e) "Solicitation" means the unrequested initiation of a telephone call to a residential telephone subscriber for the purposes of political advertising; or to gain a pledge, promise, or contribution in circumstances where there is no pre-existing relationship between the caller and the person called; or to obtain information, data, or opinions relating to a party, measure, or candidate.

II.(a) Any person, except a candidate using his or her own voice, intending to use an automatic telephone dialing system for solicitation in this state shall, at least 5 business days prior to using the system, register with the department of state the information required by paragraph III. At the time of filing, the registrant shall also pay to the department a fee established by the secretary of state.

(b) The registrant shall be responsible for providing timely identification and automatic disconnect in accordance with paragraphs IV and V.

(c) All transmissions shall be randomly generated in unequal intervals, and shall not infiltrate any emergency lines, such as police, fire, or ambulance lines, which are either 911 circuits or 7-digit telephone numbers designated as emergency lines.

III. Each registration pursuant to subparagraph II(a) shall contain the following information:

(a) The name and address of the registrant, including the name under which the registrant is doing or intends to do business and the name under which the registrant is registered pursuant to RSA 664:3.

(b) The complete street addresses of all locations from which the registrant will be conducting its activities.

IV. Any automatic telephone dialing system used in this state shall be operated so that the system will automatically disconnect or release within 10 seconds after the called party hangs up.

V. Any solicitation message made through the use of an automatic telephone dialing system shall disclose immediately after telephone contact:

(a) The name of the person, company, and/or organization making the call.

(b) The purpose of the call and the party, measure, or candidate whose success or defeat the caller is advocating, if any.

(c) The name of the person or organization paying for the delivery of the message, and the name of the fiscal agent, if applicable.

VI. No person using an automated telephone dialing system or any other method for solicitation in this state shall use any method, including per-call blocking or per-line blocking, that pre-



vents caller identification information for the telephone solicitor's lines used to make telephone calls to a residential telephone subscriber from being shown by a device capable of displaying caller identification information. The caller identification information displayed shall contain a telephone number at which the telephone solicitor may receive telephone calls if the telephone solicitor leaves a message on a telephone answering device or uses an automatic telephone dialing system that plays a recorded message when a connection is completed to a telephone number.

VII. Violators of this section shall not be subject to penalties under RSA 664:21, V, but shall be subject to an administrative fine of \$250 per incident up to a total of \$50,000.

2 Effective Date. This act shall take effect upon its passage.

**HB 605-FN**, relative to prohibited election day activity. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Howard C. Dickinson for Election Law: HB 605, as amended received the unanimous support of this committee because its passage will assure that the blocking of certain phone numbers which took place in the last election will never happen again. Vote 19-0.

#### **Amendment (0732h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Election Procedure; Prohibited Acts; Interference With Communications. Amend RSA 659 by inserting after section 40 the following new section:

659:40-a Interference With Communications. Any person who, on the day of any election, knowingly blocks, or solicits another person to block, the access of any candidate or committee to communications equipment or services with the intent of interfering with campaign activity shall be guilty of a class A misdemeanor.

2 Effective Date. This act shall take effect upon its passage.

**HB 779**, relative to appeals from recounts of legislative elections. **INEXPEDIENT TO LEGISLATE**  
Rep. Harriet E. Cady for Election Law: There already exists authority to do a recount of representative and senate races and another bill addresses the sponsors concerns. The committee does not believe we need duplication of laws. Vote 19-0.

**HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane A. Clemons for Election Law: This is a technical change for boundaries in both cities brought forward by the city clerks. It changes ward boundaries for senate and representative districts in Manchester and representative districts in Nashua as established by their city charters. Vote 19-0.

#### **Amendment (0423h)**

Amend the bill by replacing section 1 with the following:

1 Manchester and Nashua: Ward Boundaries. For purposes of elections for state senator and state representative conducted after the effective date of this act in districts established by the supreme court in Below v. Gardner, No. 2002-0243 (June 24, 2002) and Burling v. Chandler, No. 2002-0210 (July 26, 2002), ward boundaries for senate and representative districts in Manchester and representative districts in Nashua shall be the ward boundaries established by those cities in their respective charters.

#### **AMENDED ANALYSIS**

This bill requires that state senate and representative elections in Manchester and representative districts in Nashua be conducted in accordance with the ward lines established in their city charters

**HB 529**, relative to the New Hampshire seed law. **OUGHT TO PASS**

Rep. Derek Owen for Environment and Agriculture: This bill makes the New Hampshire seed law more consistent and uniform with the National Model Seed Bill. This bill is supported by the industry. Vote 13-0.

**HB 83**, establishing a committee to study penalties for executive department employees for non-compliance with department rules or state statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Albert W. Hamel for Executive Departments and Administration: The committee listened to the testimony, studied the proposal and concluded there was adequate existing legislation at the disposal of the executive branch to handle these situations. Vote 17-0.

**HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill realigns medical and dental lines of communication and lines of authority/command within the department of corrections. The amendment establishes the effective date of July 31, 2003. Vote 16-0.

**Amendment (0761h)**

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 31, 2003.

**HB 258**, relative to the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, will improve the coordination and reduce the redundancy in governing the New Hampshire Community-Technical College System. The governor's appointed board of trustees will have the responsibility for the appointment of the commissioner, deputy commissioner, director of finance and the college presidents and have full authority over these specific positions. This bill also adds a member of the house and senate to the board of trustees for the community-technical college system. Vote 17-0.

**Amendment (0287h)**

Amend RSA 188-F:5, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. The commissioner shall nominate ~~[for appointment by]~~ *with the approval and confirmation of* the board of trustees, an unclassified director of financial management. The director shall serve at the pleasure of the board of trustees. The director shall be qualified to hold that position by reason of education and experience *and shall report to the commissioner*. The director shall be responsible for *leadership and supervision of* the following functions:

(a) ~~[Human resources, employee relations, and payroll;~~

~~(b)]~~ Accounts payable, including purchasing.

~~(c)]~~ (b) Accounts receivable, including tuition and student fees.

~~(d)]~~ (c) Financial analyses and financial control, including budget development and expenditure management.

~~(e)]~~ (d) Financial management of grants and development funds.

~~(f)]~~ (e) Computer support services for financial and student management.

Amend RSA 188-F:5, I as inserted by section 4 of the bill by replacing it with the following:

I. The ~~[governor and council]~~ *board of trustees* shall appoint a commissioner of regional community-technical colleges, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. ~~[The salary of the commissioner shall be that established in RSA 94.]~~

Amend RSA 188-F:3-a, I (1) as inserted by section 7 of the bill by replacing it with the following:

(1) One member from the house of representatives, appointed by the speaker of the house.

**AMENDED ANALYSIS**

This bill authorizes the board of trustees to appoint and fix the compensation of the commissioner, deputy commissioner, director of financial management, and presidents of the community-technical college system and amends the duties of the board of trustees of the community-technical college system. The bill also adds a member of the house of representatives and a member of the senate to the board of trustees for the regional community-technical colleges.

**HB 377**, relative to discipline of state employees or officers making willful false statements. **IN-EXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would make it a terminable offense for state employees to make certain false statements. The committee believes that supervision of any necessary discipline of employees is a subject of collective bargaining. Further, the committee determined that the process to discipline state employees currently exists within the collective bargaining agreement and should be utilized as needed. Vote 16-0.

**HB 383**, limiting the disclosure of personal information on government Internet sites and amending the information practices act. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Executive Departments and Administration: The committee felt that the sponsors were well intended on the matters of privacy. However, in hearing testimony, a number of local cities and towns now use the Internet to post property appraisals. Such postings have saved localities a substantial amount of money. In addition, it has provided additional services to the citizens. If a citizen objects, they can register a complaint with the local municipality. In many cases, their name and information was eliminated. In the new age of the Internet, the committee realizes there are many advantages and disadvantages. However, the Internet reaches out beyond the bounds of New Hampshire. Vote 14-2.

**HB 392-L**, requiring a study by the office of state planning of ways to improve the delivery of information and training to planning board and zoning board members. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: The bill would create a study to improve the delivery of background information and training to members of municipal planning and zoning boards from the office of state planning. The office of state planning stated that the authority to conduct such a study was already in their jurisdiction and they plan to look at this issue with or without this bill. The committee was also fearful of discouraging potential candidates serving on local boards. Vote 15-1.

**HB 417**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2007, and establishing a state government reorganization task force. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill provides two noble goals. However, the committee decided that these issues were more than adequately covered by HB 171, which as of this writing, has passed both the House and Senate. Vote 16-0.

**HB 505**, relative to the membership of the liquor commission when conducting hearings. **INEXPEDIENT TO LEGISLATE**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill expands the liquor commission's hearing board from three to six members appointed by the governor and council. Committee members felt the existing three-member board is working well. Vote 16-0.

**HB 513**, relative to background checks of law enforcement agency employees. **INEXPEDIENT TO LEGISLATE**

Rep. Anne Marie Irwin for Executive Departments and Administration: This bill would require background checks for law enforcement agency employees before being offered permanent employment. The committee determined, as a result of testimony from the Director of Police Standards and Training, that present regulations are more stringent than the proposed regulations. Vote 16-0.

**HB 525-FN**, relative to use of certain out-of-state creditable service for eligibility for payment of medical benefits cost. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would allow an individual to purchase up to eight years of out of state service to be applied towards creditable service for retirement purposes and used for eligibility toward the medical subsidy. The committee felt that the cost of this benefit coming from the medical trust in the special account would not be reimbursed under this proposal. Therefore, it is deemed unreasonable and could effect other retirees in the long run. In addition, the bill is in direct conflict with RSA 100-A:4. Vote 15-0.

**HB 526**, requiring the governor to provide the legislature with a biennial strategic economic development plan. **INEXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would require the governor to provide an economic development plan to the legislature every two years. The office of state planning testified that HB 712 (2002) changed the reporting requirement for economic development plans from two to four years. Since the reporting period was recently changed, the committee determined that it was too soon to assess the effectiveness of these reports. Vote 16-0.

**HB 543**, relative to alternate members of the board of accountancy and appeals of board decisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Executive Departments and Administration: The current board of accountancy has five members. It is comprised of three certified public accountants, one public account-

tant and one public member. The bill, as amended, would increase the board to seven members. The new board would consist of four certified public accountants, one public accountant and two public members. In addition, the appeal process was clarified to fall under RSA 541. Vote 17-0.

### Amendment (0848h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

Amend the bill by replacing all after the enacting clause with the following:

I Board of Accountancy; Two Members Added. Amend RSA 309-B:4, I(a) to read as follows:

I.(a) There is hereby created the New Hampshire board of accountancy, which shall have responsibility for the administration and enforcement of this chapter. The board shall consist of [5] 7 members, all of whom shall be residents of this state appointed by the governor with the approval of council. [~~Three~~] **Four** members shall be holders of certificates under RSA 309-B:5 or corresponding provisions of prior law; one member shall be a public accountant who is a holder of a currently valid registration, and [~~one member~~] **2 members** shall be [a] public [~~member~~] **members**, who [~~is~~] **are** not, and never [~~was, a member~~] **were, members** of the accounting profession, or the [~~spouse~~] **spouses** of such [~~a person~~] **persons**, but who [~~has~~] **have**, or [~~has~~] **have** had, professional or practical experience in the use of accounting services and financial statements so as to be qualified to make judgments about the qualifications and conduct of persons and firms subject to regulation under this chapter. The one position to be occupied by a public accountant shall instead be occupied by a public member after the number of public accountants holding currently valid public accountant registrations drops below 25.

2 Board of Accountancy; Appeals. Amend RSA 309-B:12, X to read as follows:

X. Any person or firm adversely affected by any order of the board entered after a hearing under this section may appeal such order by filing a written petition with the superior court in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. The petition shall be filed within 30 days after the entry of the order. The respondent shall exhaust all applicable administrative procedures before periodical review may commence. The procedures for review and the scope of the review shall be [~~as specified in RSA 541-A, the New Hampshire Administrative Procedure Act~~] **pursuant to RSA 541.**

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides for the appointment of 2 new members to the board of accountancy. The bill also clarifies the appeal procedure for decisions of the board.

**HB 594-FN-L**, relative to the return of employer contributions for retirement system members who terminate employment prior to vesting. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would require the retirement system to return the employer contributions made on behalf of employees who terminate employment system membership prior to vesting. The committee felt that, if the contributions were returned, the actuary's projection needed to keep the system operating smoothly would require an increase of all employers' contributions creating a 28-A issue. The system assumes there are 2156 employees of political subdivisions who will terminate employment with an average of seven years service and an average compensation of \$27,712. This bill would increase the normal contribution rate for political subdivision employers by .25%, which would require an additional contribution of approximately \$830,000. It would also cost the retirement system between \$75,000-\$100,000 to change the mainframe to deal with these refunds. Based on this information and the fact that the actuary's figures have been terminally funded allowing for reduced rates, the committee felt this bill should be inexpedient to legislate. Vote 16-0.

**HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment clarifies the eligibility of the board of dental examiners to license an individual by endorsement under statutory conditions. It establishes the opportunity for the board to elect a vice-president, which brings this board to parity with other state boards. These issues were brought by the board and are house-keeping in nature. Vote 18-0.

**Amendment (0839h)**

Amend the introductory paragraph of RSA 317-A:7-a as inserted by section 4 of the bill by replacing it with the following:

317-A:7-a License by Endorsement. Licensure by endorsement may be considered by the board for each applicant who holds a current, unrestricted license and registration certificate to practice dentistry or dental hygiene and who submits to the board the required credentials if, for the 3 years immediately preceding the application, the applicant:

**HB 635-FN-A-L**, creating a legislative committee to review rules and propose legislation for the repeal of RSA 541-A, and instituting a moratorium on the filing of rules by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee listened with interest to the sponsor; however, it became clear that establishing a moratorium on rulemaking would create more problems than it could ever prevent. One standing house committee has established an ad hoc committee to review issues regarding administrative rules, which will be an appropriate venue to discuss some of these issues. Vote 16-0.

**HB 657-FN**, relative to creditable service in the retirement system for the time that teachers were required to take pregnancy and maternity leave. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would allow teachers in the retirement system, who were required to leave teaching for a period of pregnancy and maternity leave, to purchase that time as creditable service for eligibility for retirement benefits and medical benefits. While the committee was very sympathetic to one individual who had missed the required time to reach eligibility for the benefits, it was felt that the unknown issue of how many others in the past who did not qualify and that we may be opening a flood gate of applications that the system could not afford. Vote 11-3.

**HB 665-FN-L**, relative to municipal and county audits. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill called for the Municipal Services Division at the Department of Revenue Administration to assume responsibility for conducting county and municipal audits. The DRA has not conducted such audits for more than twenty years. Counties and municipalities currently contract independent auditors for that purpose. Vote 17-0.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margie Maybeck for Executive Departments and Administration: This bill establishes the process of collecting data for research purposes and preserves the confidentiality of individual information of public information. The amendment covers three areas. First it establishes the cell range in statistical tables when the size is more than 0 and less than five. Two, it provides the agency head the ability to name a designee to respond to the request of a written application for agency data. And three, it gives the agency head the opportunity to write rules under RSA 541-A, to establish a basis and fees for obtaining copies of limited data sets or statistical tables. This bill is important as we enter a new era of data collection and making research information available for study purposes of numerous areas, including education, health care, and numerous other areas of importance. Vote 17-0.

**Amendment (0870h)**

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Procedure for Release of Personal Information for Research Purposes. Amend RSA 91-A by inserting after section 9 the following new subdivision:

Procedure for Release of Personal Information for Research Purposes

91-A:10 Release of Statistical Tables and Limited Data Sets for Research.

I. In this subdivision:

(a) "Agency" means each state board, commission, department, institution, officer or other state official or group.

(b) "Agency head" means the head of any governmental agency which is responsible for the collection and use of any data on persons or summary data.

(c) "Cell size" means the count of individuals that share a set of characteristics contained in a statistical table.

(d) "Data set" means a collection of personal information on one or more individuals, whether in electronic or manual files.

(e) "Direct identifiers" means:

- (1) Names.
- (2) Postal address information other than town or city, state, and zip code.
- (3) Telephone and fax numbers.
- (4) Electronic mail addresses.
- (5) Social security numbers.
- (6) Certificate and license numbers.
- (7) Vehicle identifiers and serial numbers, including license plate numbers.
- (8) Personal Internet IP addresses and URLs.
- (9) Biometric identifiers, including finger and voice prints.
- (10) Personal photographic images.

(f) "Individual" means a human being, alive or dead, who is the subject of personal information and includes the individual's legal or other authorized representative.

(g) "Limited data set" means a data set from which all direct identifiers have been removed or blanked.

(h) "Personal information" means information relating to an individual that is reported to the state or is derived from any interaction between the state and an individual and which:

- (1) Contains direct identifiers.
- (2) Is under the control of the state.

(i) "Provided by law" means use and disclosure as permitted or required by New Hampshire state law governing programs or activities undertaken by the state or its agencies, or required by federal law.

(j) "Public record" means records available to any person without restriction.

(k) "State" means the state of New Hampshire, its agencies or instrumentalities.

(l) "Statistical table" means single or multi-variate counts based on the personal information contained in a data set and which does not include any direct identifiers.

II. Except as otherwise provided by law, upon request an agency shall release limited data sets and statistical tables of data contained in agency files to requestors for the purposes of research under the following conditions:

(a) The requestor submits a written application that contains:

- (1) The following information about the principal investigator in charge of the research:
  - (A) name, address, and phone number;
  - (B) organizational affiliation;
  - (C) professional qualification; and
  - (D) name and phone number of principal investigator's contact person, if any.

(2) The names and qualifications of additional research staff, if any, who will have access to the data.

(3) A research protocol which shall contain:

- (A) a summary of background, purposes, and origin of the research;
- (B) a statement of the general problem or issue to be addressed by the research;
- (C) the research design and methodology including either the topics of exploratory research or the specific research hypotheses to be tested;
- (D) the procedures that will be followed to maintain the confidentiality of any data or copies of records provided to the investigator; and
- (E) the intended research completion date.

(4) The following information about the data or statistical tables being requested:

- (A) general types of information;
- (B) time period of the data or statistical tables;
- (C) specific data items or fields of information required, if applicable;
- (D) medium in which the data or statistical tables are to be supplied; and
- (E) any special format or layout of data requested by the principal investigator.

(b) The requestor signs a "Data Use Agreement" signed by the principal investigator that contains the following:

(1) Agreement not to use or further disclose the information to any person or organization other than as described in the application and as permitted by the Data Use Agreement without the written consent of the agency.

(2) Agreement not to use or further disclose the information as otherwise required by law.

(3) Agreement not to seek to ascertain the identity of individuals revealed in the limited data set and/or statistical tables.

(4) Agreement not to publish or make public the content of cells in statistical tables in which the cell size is more than 0 and less than 5 unless:

(A) otherwise provided by law; or

(B) the information is a public record.

(5) Agreement to report to the agency any use or disclosure of the information contrary to the agreement of which the principal investigator becomes aware.

(6) A date on which the data set and/or statistical tables will be returned to the agency and/or all copies in the possession of the requestor will be destroyed.

III. The agency head shall release limited data sets and statistical tables and sign the Data Use Agreement on behalf of the state when:

(a) The application submitted is complete.

(b) Adequate measures to ensure the confidentiality of any person are documented.

(c) The investigator and research staff are qualified as indicated by:

(1) Documentation of training and previous research, including prior publications, and

(2) Affiliation with a university, private research organization, medical center, state agency, or other institution which will provide sufficient research resources.

(d) There is no other state law, federal law, or federal regulation prohibiting release of the requested information.

IV. Within 10 days of a receipt of written application, the agency head, or designee, shall respond to the request. Whenever the agency head denies release of requested information, the agency head shall send the requestor a letter identifying the specific criteria which are the basis of the denial. Should release be denied due to other law, the letter shall identify the specific state law, federal law, or federal regulation prohibiting the release. Otherwise the agency head shall provide the requested data or set a date on which the data shall be provided.

V. Any person violating any provision of a signed data use agreement shall be guilty of a violation.

VI. Nothing in this section shall exempt any requestor from paying fees otherwise established by law for obtaining copies of limited data sets or statistical tables. Such fees shall be based on the cost of providing the copy in the format requested. The agency head shall provide the requestor with a written description of the basis for the fee; provided, that the fee and the basis for the fee shall be adopted by rule, pursuant to RSA 541-A.

3 Effective Date. This act shall take effect upon its passage.

**HB 696-FN**, establishing licensure to forensic counselors. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter F. Bergin for Executive Departments and Administration: The sponsors of this bill initially wanted to license forensic counselors to the professions regulated by the board of mental health practices. Their rationale was that only forensic counselors were really qualified to work with prisoners. However, the committee didn't hear any testimony to indicate this. Also, the committee didn't hear any testimony that the correctional system had any problem with prisoner counselors. Forensic counselors will still be able to practice the profession without this bill in the State of New Hampshire. Vote 16-0.

**HB 735-FN**, relative to prescription drugs and medicaid best practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anne Marie Irwin for Executive Departments and Administration: This bill was sent to the Executive Departments and Administration Committee as the second committee. The committee found the commissioner did not need rules to implement the medicaid Rx Senior Eligibility Expansion Program or the Medicaid Best Practices or the Chronic Disease Case Management Program. Therefore, the committee amended the bill to remove the administrative rules section of the bill. Vote 15-0.

#### **Amendment (0815h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 New Chapter; Access to Prescription Drugs. Amend RSA by inserting after chapter 161-J the following new chapter:

CHAPTER 161-K  
ACCESS TO PRESCRIPTION DRUGS

161-K:1 Definitions: In this chapter:

- I. "Commissioner" means the commissioner of the department of health and human services.
- II. "Department" means the department of health and human services.
- III. "Division" means the division of elderly and adult services, department of health and human services.

IV. "Qualified medicare beneficiaries" means medicare beneficiaries with incomes equal to or below 100 percent of the federal poverty level who are eligible for medicaid assistance for the part A and part B medicare premiums and for medicare deductibles and co-insurance requirements as set forth in section 1905(p)(1) of Title XIX of the Social Security Act.

V. "Specified low-income medicare beneficiaries" means medicare beneficiaries who have incomes greater than 100 percent of the federal poverty level and less than and equal to 120 percent of the federal poverty level and meet the requirements set forth in section 1902(a)(10)(E)(iii) of Title 19 of the Social Security Act.

161-K:2 Medicaid Rx Senior Eligibility Expansion Program Established.

I. There is hereby established the medicaid Rx senior eligibility expansion program. To be eligible for the program, an individual shall:

- (a) Be a U.S. citizen or a lawfully admitted alien;
- (b) Be a state resident;
- (c) Be at least 65 years of age or an individual between the ages of 19 and 64 who is otherwise eligible for benefits under Title II of the Social Security Act (Federal Old Age, Survivors, and Disability Insurance);
- (d) Meet the definition of a qualified medicare beneficiary or a specified low-income medicare beneficiary as set forth in subparagraph (c); and
- (e) Be ineligible for and/or not receiving a prescription drug benefit through a medicare supplemental policy or any other third party payer prescription benefit.

II. Individuals eligible for the medicaid Rx senior eligibility expansion program shall be entitled to the medicaid prescription drug coverage as provided to medicaid recipients as set forth in Title XIX of the Social Security Act.

III. Individuals eligible for the program established under this subdivision shall be provided a benefit of not more than \$2,000 per year and shall be subject to a \$5 copayment per prescription.

161-K:3 Administration.

I. The medicaid Rx senior eligibility expansion program shall be administered by the division. The department shall apply for a federal medicare 1115 demonstration waiver from the Secretary of Health and Human Services to expand medicaid eligibility for the purposes of prescription drug coverage to qualified medicare beneficiaries and specified low-income medicare beneficiaries under the medicaid Rx senior eligibility expansion program.

II. The commissioner shall make an annual report beginning one year after the effective date of this chapter to the general court relative to the effectiveness of the medicaid Rx senior disability eligibility program.

2 New Subdivision; Medicaid Best Practices. Amend RSA 167 by inserting after section 97 the following new subdivision:

Medicaid Best Practices

167:98 Medicaid Best Practices.

I. The department of health and human services shall identify medicaid patients who require ongoing and expensive care and develop interventions to improve their health, functional status and independence in an effort to promote adherence to best medical practices. The department shall encourage health plans and health care systems participating in the medicaid program to:

- (a) Conduct patient needs assessments upon enrollment.
- (b) Develop individual, patient-centered plans.
- (c) Use case management incorporating evidence-based practice guidelines.

II. The department shall make an annual report beginning one year after the effective date of this section to the oversight committee established in RSA 126-A:13, relative to the effectiveness of this subdivision.

AMENDED ANALYSIS

This bill requires the department of health and human services to establish certain programs to increase access to prescription drugs for seniors.



This bill requires the department of health and human services to encourage health plans and health care systems participating in the medicaid program to use case management incorporating evidence-based practice guidelines.

The bill also establishes a 3-year task force to study increasing access to prescription drug medicines. Referred to Finance.

**HB 823-FN-L**, relative to eligibility of retired teachers for payment of medical benefits. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The original bill would allow retired teachers with out of state service to use said service for purposes of eligibility for payment of medical benefits. The intention of the bill was to encourage teachers to come to New Hampshire. The bill represented a major policy change with respect to the retirement system in violation of RSA 100-4:C,III. It was the feeling of the committee that the retirement system should continue as a reward for service rather than an incentive to serve. Vote 13-5.

**CACR 4**, relating to use of revenues for educational purposes. Providing that all moneys from the education trust fund be used exclusively for state aid to education. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Finance: The committee, sympathetic to the sponsor's concerns, nonetheless concluded that this CACR does not address or accomplish what some consider to be a desirable goal – requiring all funds to be raised for a particular purpose to be spent for that purpose. CACR 4 says that money in the education trust fund should be used for education. It does not dedicate a source of revenue to go into the education trust fund nor require the legislature to put any funds into the education trust fund. In addition, since the bonding agencies look at unrestricted general fund revenue in order to determine the state's ability to issue bonds at a favorable rate, one unintended consequence of CACR 4 might be to inappropriately limit our ability to protect our infrastructure. Vote 22-0.

**HB 286**, establishing a committee to study certain proposals to fund education in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The variety of proposals that were submitted to fund education in the previous three legislative sessions is broad and the number large. The committee felt that although the objective of the bill is worthy the task would be daunting and progress on this subject must happen sooner than this study would allow. Vote 22-0.

**HB 380**, requiring legislative approval of any settlement of certain lawsuits against the state. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: The committee heard detailed and extensive comments on the question of settlements of suits against the state of New Hampshire and appreciated the possible future growth of the number and size of settlements. The issue is so complicated that a constitutional restriction on the amount of settlements through legislative approval or financial limits was not practical at this time. Vote 22-0.

**HB 647-FN-L**, relative to payment of autopsy expenses. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The committee heard compelling testimony regarding the history and relationship with the counties over autopsies. It is clear that the ones who request the autopsy pay for it. However, procedurally this should be dealt with in the budget and therefore this bill is not needed. Vote 22-0.

**HB 60**, changing the name of the advisory committee on shore fisheries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill changes the name of the Advisory Committee on Shore Fisheries to the Advisory Committee on Marine Fisheries. The name change better reflects the responsibilities of the committee. The amendment clarifies the definition of certain shellfish and denotes Fish and Game rulemaking authority for marine species regulated under ASMFC, the Atlantic State Marine Fisheries Compact. Vote 14-0.

**Amendment (0696h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

Amend the bill by replacing all after section 4 with the following:

5 Sanitary Production And Distribution Of Food; Definition of Shellfish. RSA 143:20 is repealed and reenacted to read as follows:

143:20 Definition. In this subdivision, "shellfish" means:

I. Oysters, clams, or mussels, whether:

(a) Shucked or in the shell;

(b) Fresh or frozen; or

(c) Whole or in part; and

II. Scallops in any form, except when the final product form is the adductor muscle only.

6 Authority for Regulating Taking, Inspection and Processing of Marine Species; Rulemaking Exception. Amend RSA 211:62, V to read as follows:

V. Rules pertaining to marine species managed under the Atlantic States Marine Fisheries Compact under RSA 213 *shall comply with RSA 541-A except where, at the discretion of the executive director and in order to conform with an Atlantic States Marine Fisheries Compact, the adoption of a rule must be met sooner than the time periods allowed under RSA 541-A for a rule adopted under the procedures listed in RSA 541-A:3. Such rules* shall be exempt from the rulemaking requirements of RSA 541-A. The executive director may adopt such *exempt* rules after notice and hearing as determined by the executive director to be practicable. Rules adopted [~~under this paragraph~~] *by this procedure* shall be filed with the director of legislative services and with the joint legislative committee on administrative rules.

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the name of the advisory committee on shore fisheries to the advisory committee on marine fisheries.

The bill modifies the definition of shellfish and clarifies the fish and game department's rulemaking exemption for rules relating to marine species under the Atlantic States Marine Fisheries Compact.

#### **HB 112-FN, establishing a point system for the annual moose permit lottery. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill authorizes the Fish and Game Department to establish a point system, similar to the system used in Maine, for the participants in the New Hampshire moose lottery. Vote 14-0.

#### **Amendment (0558h)**

Amend RSA 208:1-a, II-a as inserted by section 2 of the bill by replacing it with the following:

II-a. Any permit lottery established under paragraph II shall include a bonus point system as a weighing factor to benefit applicants not drawn in the annual moose permit lottery. Beginning with the 2003 lottery, the moose permit lottery shall allow a person to accumulate one point for each consecutive year that person legally purchases an application for a permit but is not selected to receive a permit. Each point entitles that applicant to one chance in the lottery. A person's accumulated points shall be non-transferable and shall be forfeited if, in any year, that person is selected to receive a permit or that person fails to purchase a new chance.

#### **HB 372, relative to exceptions for unauthorized use of firearms and firecrackers in cities and towns. INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Varrell for Fish and Game: This bill as written is unnecessary at this time. The subject matter is not specifically related to hunting or wildlife activities, but deals with the discharge of firearms. This area is dealt with quite adequately in our criminal code and can be revisited. In addition, the reference to firecrackers is misleading since firecrackers as opposed to fireworks are currently banned by federal statute. Vote 14-0.

#### **HB 808, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. OUGHT TO PASS**

Rep. Dennis Reed for Fish and Game: This bill repeals the need for a person to exhibit a resident tax receipt from the tax collector for proof of residency as most communities have discontinued this tax practice. Now a valid New Hampshire Drivers License or New Hampshire non-drivers picture identification card will serve as proof of residency for Fish and Game Licenses. Vote 15-0.

**HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill changes the procedure for the appointment of marital masters and the qualifications the master must possess. Marital masters are currently appointed by the chief justice of the superior court for a five-year renewable term. This bill changes the authority from the superior court to the governor and council. The bill requires the same selection and approval process as now exists for judges. The authority is granted to the supreme court to recommend candidates to the governor and council. The bill further establishes the qualifications that a candidate must possess in order to be appointed. Vote 13-2.

**Amendment (0477h)**

Amend RSA 491:20-c as inserted by section 2 of the bill by replacing it with the following:

491:20-c Proceedings. In proceedings heard by marital masters:

I. No party shall pay a fee additional to court filing fees.

II. The marital master shall give notice to the parties at the beginning of the proceeding that he or she is a marital master and not a judge.

**HB 184**, relative to distribution upon intestacy. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill updates allocations of the assets of an estate to heirs whenever a person dies without a will. In order to account for inflation over the years, it increases the base amount which the surviving spouse receives from the estate and it also makes alterations in the percentages which heirs other than the surviving spouse will receive from the remainder of the estate. Vote 14-0.

**Amendment (0498h)**

Amend the bill by replacing all after the enacting clause with the following:

I Descent, Distribution, and Advancements; Distribution Upon Intestacy. RSA 561:1 is repealed and reenacted to read as follows:

561:1 Distribution Upon Intestacy. The real estate and personal estate of every person deceased, not devised or bequeathed, subject to any homestead right, and liable to be sold by license from the court of probate in cases provided by law, and personally remaining in the hands of the administrator on settlement of his or her account, shall descend or be distributed by decree of the probate court:

I. If the deceased is survived by a spouse, the spouse shall receive:

(a) If there is no surviving issue or parent of the decedent, the entire intestate estate;

(b) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, and there are no other issue of the surviving spouse who survive the decedent, the first \$250,000, plus  $\frac{1}{2}$  of the balance;

(c) If there are no surviving issue of the decedent but the decedent is survived by a parent or parents, the first \$250,000, plus  $\frac{3}{4}$  of the balance of the intestate estate;

(d) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, and the surviving spouse has one or more surviving issue who are not the issue of the decedent, the first \$150,000, plus  $\frac{1}{2}$  of the balance of the intestate estate;

(e) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, the first \$100,000, plus  $\frac{1}{2}$  of the intestate estate.

II. The part of the intestate estate not passing to the surviving spouse under paragraph I, or the entire intestate estate if there is no surviving spouse, passes as follows:

(a) To the issue of the decedent equally if they are all of the same degree of kinship to the decedent, but if of unequal degree, then those of more remote degree take by representation.

(b) If there are no surviving issue, to the decedent's parent or parents equally.

(c) If there are no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister by representation; if there is no surviving brother or sister, the issue of brothers and sisters take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree then those of more remote degree take by representation.

(d) If there are no surviving issue, parent or issue of a parent but the decedent is survived by one or more grandparents, one half of the estate passes to the paternal grandparents if both survive or to the surviving paternal grandparent if one paternal grandparent is deceased and the other half passes to the maternal grandparents in the same manner; or if only one grandparent survives, such grandparent shall receive the entire estate.

(e) If there are no surviving issue, parent, issue of a parent, or grandparent but there are issue of the decedent's grandparent who survive, one half of the estate passes to the issue of the paternal grandparent who are not beyond the fourth degree of kinship to the decedent and said issue shall take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation, and the other half passes to the issue of the maternal grandparent who are not beyond the fourth degree of kinship and said issue shall take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; provided, however, that if there are no issue of the decedent's grandparent within the fourth degree of kinship to the decedent on either the paternal or maternal side, the entire estate passes to the issue on the other side who are not beyond the fourth degree of kinship to the decedent and said issue shall take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation.

(f) No portion of a decedent's intestate estate shall pass to any person who is of the fifth or greater degree of kinship to the decedent.

(g) If there is no taker under the provisions of this section, the intestate estate passes to the state of New Hampshire.

III. All determinations of survivorship shall be made in accordance with the provisions of RSA 563.

2 Repeal. RSA 561:3, relative to representation, is repealed.

3 Applicability. This act shall apply to persons dying on or after January 1, 2004.

4 Effective Date. This act shall take effect January 1, 2004.

#### **HB 185, relative to pretermitted heirs. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill reverses existing law so that a child born or adopted after a will has been drawn up will receive his or her fair share of the estate, as if that child had been named in the will, unless a probate court finds that the omission was intentional and not the result of an accident or a mistake. Vote 14-0.

#### **Amendment (0521h)**

Amend RSA 551:10 as inserted by section 1 of the bill by replacing it with the following:

551:10 Child Not Named. If any person shall die testate leaving a child born or adopted after the date of the will, or, if there are codicils, the date of the most recent codicil thereto, and if such child is not provided for or referred to therein, that child shall take the portion of the testator's estate to which he or she would have been entitled if the testator had died intestate unless it appears to the probate court that the omission was intentional and not occasioned by accident or mistake; provided, however, that if the will provides for another child or children, the pretermitted child shall take no more than the largest bequest or devise to a child named in such will.

#### **HB 218, relative to the definition of beneficially interested person. OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill adds the trustee of a trust which is a beneficiary of an estate to the list of persons who must be notified when the fiduciary (executor) of the estate files papers with the probate court. Vote 13-0.

#### **HB 287, establishing a professional malpractice claims study commission. OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill would establish a study commission to look at malpractice claims under RSA 519-A, the medical malpractice review panel. The amendment changes the membership of the commission by appointment of two lawyers from the Trial Lawyers Association and adds two members of the New Hampshire Hospital Association appointed by that organization. The committee believes an efficient medical malpractice review panel may be a significant step in addressing the escalating malpractice insurance rates. The committee felt that this is an area that needs significant study. Vote 13-0.

#### **Amendment (0515h)**

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) Two dentists, appointed by the New Hampshire Dental Society.

(d) Two physicians, appointed by the New Hampshire Medical Society.

(e) Two attorneys, appointed by the New Hampshire Trial Lawyers Association.

(f) Two members of the public, appointed by the governor.

(g) One representative of the Medical Liability Insurance Carriers, appointed by the insurance commissioner.

(h) One representative of the Joint Underwriters Association, appointed by the insurance commissioner.

(i) Two representatives of the New Hampshire Hospital Association, appointed by such association.

**HB 296**, relative to settlement agreements in medical malpractice suits. **OUGHT TO PASS**

Rep. Gregory M. Sorg for Judiciary: This bill would prohibit enforcement of any portion of a settlement agreement in a medical injury action that would prevent disclosure of relevant information to the appropriate state medical licensing board. The committee noted that the civil justice system exists to serve two purposes: to compensate the injured party and to deter future negligence or wrongful conduct. Under current law, where settlement agreements in medical malpractice cases can, and routinely do, forbid disclosure to anyone of the underlying facts, medical licensing boards are denied the information they might need to perform their oversight functions, thereby frustrating the deterrence goal. This legislation would make this feature of such an agreement void and unenforceable. This will enable the Medical Licensing Board to know how many malpractice suits are filed and against whom, and will explain the circumstances of the suit so that poorly performing physicians may be recognized and dealt with. Vote 14-0.

**HB 390**, relative to liability of nonprofit organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary:

This bill is very well intentioned and aimed to promote volunteerism. The committee is very sensitive to this issue and would like to work toward a broader bill with more direct impact on volunteerism. This proposal, as presented, had some severe unintended consequences involving compensable injuries to persons. Vote 13-1.

**HB 478**, establishing a committee to study methods of evaluating judges. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: The committee points out that there is already a system of evaluating judges in place and it appears to be working successfully. There is no need to establish a committee for this purpose at the present. Vote 14-1.

**HB 672-FN**, relative to the notice of appointment of an administrator or executor of an estate in probate court proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The committee felt that this bill was twenty years ahead of its time. There are a significant number of people who don't know how to use a computer let alone the Internet and to remove the newspaper notification of the appointment of the executor of an estate would do a disservice to the people of New Hampshire. If the courts would like to place a notice on the Webster web-site as well as in the newspaper they are free to do that and the committee felt that that might be an admirable idea. We therefore believe this bill is unnecessary at this time. Vote 14-0.

**HB 776**, relative to emergency medical care for pregnant women. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Judiciary: This bill was introduced as a result of the work of last summer's ad hoc study committee on the rising costs of medical malpractice insurance. Specifically this bill helps obstetricians in the North Country and throughout the state reduce these costs, allowing a more favorable climate to stay in practice in the state. The bill, as amended, protects physicians who are certified to provide obstetrical care in emergency situations and who does so in an emergency licensed facility from liability for any damages or injuries caused to the patient by conduct prior to the rendering of such emergency obstetrical care. This would make the attending physician liable only for actions at the time of the emergency care and releases the physician from liability for the patient's care or lack of care previously. Vote 17-0.

**Amendment (0763h)**

Amend RSA 329:26-a as inserted by section I of the bill by replacing it with the following:

329:26-a Emergency Obstetrical Care; Immunity From Civil Liability. A physician credentialed to provide obstetrical care who renders emergency obstetrical care in a licensed health care facility to a female in active labor where the female has not previously been cared for in connection with the pregnancy by such physician, person in the group practice, a midwife, physician assistant or advanced registered nurse practitioner with whom the physician has an agreement to attend the labor and delivery, shall not be liable for any damages or injuries caused by conduct prior to the rendering of the emergency-obstetrical care. The immunity granted under this section shall apply only to the emergency medical care provided.

**HR 8**, urging the governor and executive council to consider appointing a non-lawyer to the Supreme Court. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This resolution would urge the governor and the executive council to consider appointing a non-lawyer to the Supreme Court, once a vacancy occurs. The committee was of the opinion that it would be presumptuous for the House to give advice on this constitutional prerogative of the executive branch, and that the resolution was an unnecessary and unjustified attack on the Court and on lawyers generally. Furthermore, there is nothing preventing the governor and council from making such a nomination at this time. The committee also believed that a non-lawyer on the court might quickly find him or herself without sufficient training or background for the rigors of the position. Vote 13-1.

**HB 468**, relative to enforcement of the labor protection statutes. **OUGHT TO PASS**

Rep. Russell T. Ober III, for Labor, Industrial and Rehabilitative Services: This bill would give the Department of Labor authority to group claims involving many employees of the same employer into one hearing and allow the issue to be resolved efficiently. It also extends the recovery period from 18 to 36 months. Vote 18-0.

**HB 97**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: The committee heard testimony from veterans groups and others and had both sympathy and empathy for the concerns expressed. However, the committee felt that the administration of this bill on the local level would be extremely difficult, arbitrary and subject to confusion with the constantly changing veteran disability situations. Vote 16-0.

**HB 211**, relative to town clerk fee deposit requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation. Vote 17-0.

#### **Amendment (0164h)**

Amend the bill by replacing all after the enacting clause with the following:

I Town Clerk Total Fund Deposit Requirement; Fees. RSA 41:25 is repealed and reenacted to read as follows:

41:25 Fees.

I. Town clerks shall be entitled to a minimum fee of \$2 for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his or her custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit an invoice for the amount of those fees to the treasurer, who shall pay out that amount to the clerk, notwithstanding RSA 32.

2 Duties of the Treasurer. Amend RSA 41:29, I to read as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, *or in the case of fees deposited by the town clerk pursuant to RSA 41:25, upon the invoice of the town clerk*, or other board or body designated by the town to expend such a fund.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 273**, requiring town and city clerks to distribute a list of crisis pregnancy centers to persons issued a marriage certificate. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: The application process for a marriage license is outlined in RSA 457:23. Pursuant thereto, couples applying for a marriage license must be provided by town clerks with brochures about family planning agencies, fetal alcohol syndrome (FAS) and human immunodeficiency virus (HIV); and couples must affirm that they have received and discussed them. This bill would have added a brochure about crisis pregnancy centers to the above listed information. Crisis pregnancy centers are not regulated by the State. The committee recognized potential problems in referring couples to unlicensed entities, and it also felt that the distribution of the above referenced information, however useful it might be, is intrusive and excessive and should not be done by town clerks. The committee believed such material is readily available from other sources and that town clerks are not the proper means of distributing them. Vote 17-1.

**HB 365**, relative to governmental land uses. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: This bill addresses governmental and non-governmental uses of land and the process those proposed uses have to go through at the local level. The committee has five bills that deal with zoning issues and has decided to retain this subject matter and will discuss it in HB 713. Vote 15-0.

**HB 371**, relative to warrant article recommendations in towns which have adopted the official ballot referendum form of meeting. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee received several bills pertaining to warrant articles and the official ballot form of town meeting. The subject matter of this bill will be retained and discussed in HB 285. Vote 12-1.

**HB 407**, allowing municipalities the option of appraising property based on assigned values reflecting the current use of property, and requiring the current use board to adopt criteria for such appraisal. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would create a number of variable conditions for evaluating properties and complicate an already complex system. The sponsor would like to have an additional way of appraising property based on the current use of the property that would be residential, commercial, industrial or utility. Within each class of property, subject to the criteria adopted by the current use board under RSA 79-A, there would be further designated types. The process of appraising properties would be enabling which could lead to having different towns within the same school district having a tax rate set on different criteria. The committee felt that assessors would still be needed and that this type of appraisal system would lead to more confusion and higher cost. Vote 13-0.

**HB 413-L**, relative to awarding attorneys' fees and costs in abatement and certain appeals proceedings when the taxpayer prevails. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The amended bill allows the board of tax and land appeals, and the superior court to award reasonable cost and attorneys' fees when the taxpayer prevails in abatement proceedings. This bill allows reasonable costs and fees to be assessed against the state when a taxpayer prevails in an appeal for payment by the department of revenue administration, provided the taxpayer shows substantially unjustified action. Vote 15-0.

**Amendment (0828h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to certain appeals proceedings when the taxpayer prevails.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Revenue Administration; Appeals for Redetermination or Reconsideration.  
Amend RSA 21-J:28-b, VI to read as follows:

VI. The board or court may grant such relief as may be just and equitable and may order the state treasurer to pay the taxpayer the amount of relief granted with interest at the rate established under RSA 21-J:28. ~~[Upon all appeals which are denied, costs and attorney's fees may be taxed against the taxpayer at the discretion of the board or court; but the board or court may not tax costs against the state.]~~ *The board or court may award reasonable costs and attorney's fees to the prevailing party, provided the prevailing party shows substantially unjustified action.*

2 Board of Tax and Land Appeals; Attorney's Fees. Amend RSA 71-B:9 to read as follows:  
71-B:9 Administration of Oaths, Subpoenas, etc.; Fees. The board shall have authority to administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the board may be served by any person designated in the subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to the pains and penalties of perjury. All applications or petitions to the board for which no filing fee has been otherwise specified by statute shall be accompanied by a \$65 filing fee. Costs *and attorney's fees* may be taxed as in the superior court.

3 Effective Date. This act shall take effect January 1, 2004.

**AMENDED ANALYSIS**

This bill allows reasonable costs and attorney's fees to be assessed against the state when a taxpayer prevails in an appeal for redetermination or reconsideration of an assessment or demand for payment by the department of revenue administration, provided the taxpayer shows substantially unjustified action.

**HB 424**, relative to a net asset qualification and age qualifications for the elderly property tax exemption, and clarifying certain references in property tax exemptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill clarifies existing statutes dealing with the exemptions for the elderly and disabled, which are basically housekeeping in nature. It also allows municipalities to adopt married persons' net asset qualification for the purposes of the elderly exemption. The sponsors of this bill wanted the three qualifying age groups reduced by five (5) years each. The committee feels that with people living longer now than ever before, the present qualifying age groups are adequate. Vote 11-0.

**Amendment (0826h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.

Amend the bill by replacing section 4 with the following:

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of \_\_\_\_\_, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 *consecutive* years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married *to each other* for at least 5 *consecutive* years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a



dollar amount not less than \$35,000 excluding the value of the person's residence) *or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.*" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. *The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.*

### AMENDED ANALYSIS

This bill:

I. Allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

II. Clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

### **HB 446, relative to building permits. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: This bill would have eliminated the requirement that building inspectors withhold a building permit application if the application was filed after the first legal notice of a proposed change in the building code or zoning ordinance. Currently a petitioned article to amend a zoning ordinance has to be submitted within 120 days of an annual meeting. If the amendment proposed might negate a building permit, the building inspector has the authority to withhold the permit. The committee approved an amendment that puts Planning Board proposed amendments on the same time table. Vote 11-0.

### **Amendment (0585h)**

Amend the bill by replacing section 1 with the following:

1 Building Permits. RSA 676:12 is repealed and reenacted to read as follows:

676:12 Building Permits to be Withheld in Certain Cases.

I. The building inspector shall not issue any building permit within the 120 days prior to the annual or special town or village district meeting if:

(a) Application for such permit is made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and

(b) The proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.

II. After final action has been taken on the proposed changes in the building code or zoning ordinance, the building inspector shall issue or refuse to issue a permit which has been held in abeyance under this section pursuant to a final action under this section.

III. The provisions of paragraph I shall not be applicable in a city or in a county in which there are located unincorporated towns or unorganized places unless the governing body of the city or the county votes by majority vote to be subject to the provisions of such paragraph.

IV. The building inspector may be authorized by the local legislative body to issue a temporary occupancy permit not to exceed 30 days, which may be extended at the discretion of the building inspector.

V. No building permit shall be denied on the grounds of uncompleted streets or utilities when the construction of such streets or utilities has been secured to the municipality by a bond or other security approved by the planning board pursuant to RSA 674:36, III or RSA 674:44, IV; provided, however, that on land which is part of a subdivision plat or site plan, no building shall be used or occupied prior to the completion of required streets and utilities, except upon such terms as the planning board may have authorized as part of its decision approving the plat or site plan.

VI. The provisions of paragraph I shall not apply to any plat or application which has been formally accepted by the planning board pursuant to RSA 676:4, I(b) prior to the first legal notice of a proposed change in a building code or zoning ordinance or any amendment thereto. No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application formally accepted by the planning board pursuant to RSA 676:4, I(b) so long as said plat or application was accepted prior to the first legal notice of said change or amendment.

## AMENDED ANALYSIS

This bill limits the requirement that the building inspector withhold a building permit application to the first legal notice of proposed changes in the building code or zoning ordinance or 120 days, whichever is shorter.

**HB 452**, relative to political advertising on public property. **INEXPEDIENT TO LEGISLATE**  
Rep. Laurie J. Boyce for Municipal and County Government: The placement and location of political advertising has caused concern about sign pollution and the advertising causes annoyance to some citizens. The sponsor of the bill told the committee that the bill as written was not the correct intent, rather that political signs that were not in an allowed location should be able to be removed easily. Since any candidate now needs the consent of the property owner and political signs are not allowed on public property, the committee does not feel that the statute needs changing. Vote 15-0.

**HB 455**, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill lowers the residency requirement for a disabled person applying for a deferral of property taxes from five (5) years to one (1) year. If the person qualifies as a disabled applicant has owned the homestead for at least one year, they would now qualify for the deferral. This property tax deferral is pursuant to the tax deferral program for the elderly and disabled. Vote 14-0.

**HB 466**, relative to the adoption procedure for property tax exemptions and credits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill is basically a housekeeping measure to clarify the procedure for adopting or modifying property tax exemption or credits in RSA 72, and repeals eight (8) statutes that are repetitive or obsolete. Vote 16-0.

**Amendment (0737h)**

Amend RSA 72:27-a, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

**HB 467**, allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Betsey L. Patten for Municipal and County Government: This bill as amended increases the optional tax credit for service-connected total disability veterans to \$701 - \$2000, up from \$700 or \$1400. The procedural language in Section 1 mirrors the language of HB 108 that deals with the standard and optional credit for the veteran's tax credit. The new language simplifies and uniformly changes the adoption process. Section 3 changes the date for all exemptions and credits to April 15 preceding the setting of the tax rate. The committee noted that deferrals need to have their own timeline and application procedure and those changes are reflected in Section 5. The current law that deals with an optional elderly exemption date is being repealed, and the effective date of April 1, 2005, gives the municipalities time to notify all eligible applicants. Vote 17-0.

**Amendment (0902h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits.

Amend the bill by replacing all after the enacting clause with the following:

1 Tax Credit for Service-Connected Disability; Optional Amount Increased. Amend RSA 72:35 to read as follows:

72:35 Tax Credit for Service-Connected Total Disability.

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a *standard* yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

*I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:35-a, shall be an amount from \$701 up to \$2,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.*

*I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property. However, the surviving spouse of a resident receiving the tax credit for service-connected disability may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.*

II. The *standard or optional* tax credit [~~in paragraph I~~] under this section may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III.(a) Any person applying for the *standard or optional* tax credit [~~granted in paragraph I~~] under this section shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

[~~IV.(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on the person's residential property.~~

(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.

(c) [~~Applications for this credit shall be made in the manner prescribed by paragraph III. Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.~~]

2 Optional Tax Credit for Service Connected Disability; Procedure for Adoption. RSA 72:35-a is repealed and reenacted to read as follows:

72:35-a Procedure for Adoption; Optional Tax Credit for Service Connected Disability.

I. Any town or city may adopt the provisions of RSA 72:35, I-a for an optional tax credit for service-connected total disability in an amount from \$701 up to \$2,000 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the optional tax credit for service-connected total disability provided in RSA 72:35 and the amount of the optional credit to be granted. The credit shall take effect in the tax year beginning April 1 following its adoption.

III. A municipality may change or rescind the optional credit provided by RSA 72:35 in the manner described in paragraph I.

3 Application for Exemptions or Tax Credits; Filing Date Changed in 2005. Amend RSA 72:33 to read as follows:

72:33 Application for Exemption or Tax Credit.

I. ~~[Except as provided in RSA 72:33-b,]~~ No person shall be entitled to the exemptions~~[-deferrals,]~~ or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, ~~[38-a,]~~ 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by ~~[March 1 following the date of notice of tax under RSA 72:1-d]~~ **April 15 preceding the setting of the tax rate**, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption~~[-deferral,]~~ or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption~~[-deferral,]~~ or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting tax exemptions, ~~[deferrals,]~~ and credits pursuant to RSA 72.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

***I-a. If any person, otherwise qualified to receive an exemption or credit, shall satisfy the selectmen or assessors that he or she was prevented by accident, mistake or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he or she desires the exemption to begin, said officials may receive the application at a later date and grant an exemption or credit for that year; but no such application shall be received or exemption or credit granted after the local tax rate has been approved for that year.***

II. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change residence~~[-provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by RSA 72:38-a].~~

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the application to obtain an exemption or tax credit, they may refuse to grant the exemption or tax credit.

IV. ~~[Repealed.]~~

V. In addition to the above requirements, applicants for exemption who claim ownership pursuant to RSA 72:29, V shall file with their application an additional statement signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing they meet the requirements of RSA 72:29, V.

VI. The assessing officials may require applicants for any exemption or tax credit to file the information listed in RSA 72:34, or the statement required by RSA 72:33, V periodically but no more frequently than annually. Failure to file such periodic statements may, at the discretion of the assessing officials, result in a loss of the exemption or tax credit for that year.

4 Investigation of Application. Amend the introductory paragraph of RSA 72:34, I to read as follows:

I. On receipt of an application provided for in RSA 72:33 **or RSA 72:38-a**, the selectmen or assessors shall examine it as to the right to the tax exemption, tax deferral or tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.

5 New Paragraph; Tax Deferral for the Elderly or Disabled. Amend RSA 72:38-a by inserting after paragraph II the following new paragraph:

II-a. No person shall be entitled to the deferral under this section unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d a permanent application therefor, signed under penalty of perjury, on a form approved and provided by

the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the deferral is claimed and that the applicant is duly qualified at the time of application. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive a deferral on an annual basis so long as the applicant does not change residence; provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by this section. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting a deferral.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

6 Repeal; 2005. RSA 72:33-b, relative to the optional date for filing for elderly exemptions, is repealed.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect April 1, 2003.

II. The remainder of this act shall take effect April 1, 2005.

### AMENDED ANALYSIS

This bill allows towns and cities to adopt an optional property tax credit for service-connected total disability in an amount from \$701 up to \$2,000.

This bill also, effective April 1, 2005, changes the filing date for applications for all exemptions or tax credits, and repeals the additional optional filing date for the elderly exemption.

**HB 476**, relative to incompatibility of municipal offices. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to expand the incompatibility of municipal offices to include part-time police chiefs and contractors for the town highway department. The committee feels that many small towns have a difficult enough time filling unpaid or under-paid municipal positions without taking others out of consideration. An example of this restriction if this bill passes is a part-time police chief could not be a moderator or a trustee of trust funds. The local municipality also has the authority in RSA 31:39 to create conflict of interest ordinances. Vote 11-0.

**HB 489**, relative to innovative land use controls. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: The subject matter of this bill deals with innovative land use controls and is very similar to the subject in HB 761, which also deals with innovative land use controls, master plans and how to review preliminary subdivisions. The committee decided to consider the issues jointly under that bill. Vote 14-0.

**HB 494-L**, allowing the amendment of default budgets by municipal legislative bodies. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The subject matter found in this bill will be retained with HB 85 since both deal with default budgets. The sponsor of this bill was concerned about the "padding" of default budgets and because the committee did not have ample time to thoroughly review all aspects of this subject. This subject will be studied with HB 85. Vote 13-0.

**HB 514**, relative to business and industrial development authorities. **INEXPEDIENT TO LEGISLATE**

Rep. Roland L. Dupuis for Municipal and County Government: The subject matter "relative to business and industrial development authorities" will be retained in HB 803 that deals with establishing a downtown development program. Since there were three bills dealing with economic development and since the committee did not have the proper time to consider all aspects of the bill, the concept will be considered with HB 803. Vote 13-0.

**HB 527**, relative to the transfer of appropriations for certain expenditures under the municipal budget law. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: The subject matter in This bill relative to appropriations under the municipal budget law is very similar to HB 493 dealing with the municipal budget act. Since the RSA involved is in the same chapter, the committee voted to retain the subject matter. Vote 15-0.

**HB 538**, relative to the establishment of municipal economic development and revitalization districts by certain municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The committee felt that this bill should be combined with HB 803, a very comprehensive bill establishing the New Hampshire downtown development program. Vote 13-0.

**HB 588-L**, relative to nonconforming residential uses. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: This bill deals with what rights residential land owners have when they live in non-residential areas. HB 713 also deals with zoning issues and non-compatible zoning uses. The subject matter will be studied with HB 713. Vote 15-0.

**HB 625-FN-L**, relative to the interest rate on delinquent property taxes in property redemptions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would lower the interest rate on property tax liens from 18 percent to the annual rate equal to the federal prime rate plus 3 percent. Testimony was received that the tax on a lien would be smaller than the tax on late payments. Eighteen percent is not out of line for the tax lien penalty, since it barely covers the cost for processing the collection of the delinquent taxes. Delinquent taxes increase the cost to the other taxpayers who pay on time. The committee agreed with these concerns. Vote 11-0.

**HB 639-FN-L**, relative to receiving voter approval through warrant articles before a municipality may continue a program initiated under a grant. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill provides that if the governing body of a municipality chooses to continue a grant-funded program or position after the grant has expired or is reduced, and it is not renewed at the level of financial support as when the program or position was initiated, then the appropriation for continuing the program or position shall be made only by a warrant article that is approved by the legislative body of that municipality. Vote 10-1.

#### Amendment (0635h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.

Amend the bill by replacing section 1 with the following:

1 New Section; Continuation of Grant Funded Programs. Amend RSA 32 by inserting after section 6 the following new section:

32:6-a Continuation of Grant Funded Programs. If the governing body of a municipality chooses to continue a grant-funded program or position, after such grant has expired or is reduced, and it is not renewed at the level of financial support under which the program or position was initiated, then the appropriation for the continuance of the program or position shall be made only by warrant article approved by the legislative body.

#### AMENDED ANALYSIS

This bill requires legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.

**HB 668-FN-A-L**, permitting municipalities to adopt a local addition to the real estate transfer tax dedicated to conservation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: The committee felt that municipalities are doing a very good job of voting funds for conservation purposes without the need for additional funds. We as legislators, have voted to increase this tax several times in the past and the original intent was to sunset it. It would place a hardship on first time homebuyers. Additionally, New Hampshire already has the second highest transfer tax in the country. Vote 13-2.

**HB 673-FN-L**, relative to municipal water system connection fees. **INEXPEDIENT TO LEGISLATE**  
Rep. David L. Buhlman for Municipal and County Government: The committee realizes that the Copple Crown Village District, a water precinct in the town of New Durham, faces a problem with paying for upgrades to water lines and that their \$12,000 hook-up fee is quite high, but is concerned that any remedy that might be proposed to address this particular situation could have unintended implications for other water supply systems. However, there was concern that this bill is too broad and could have unintended consequences for other water districts. Vote 16-0.

**HB 688-FN-L**, relative to taxation of property within village districts by municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would change a municipal tax base and thereby restrict a town's ability to do long range planning. A minority of those who may not agree with the majority could opt out of the municipality by forming a village district. The village district could then pick and choose or duplicate services. Vote 14-1.

**HB 691-FN-L**, creating a credit against property tax liability for a portion of the cost of home-educated pupils and pupils attending nonpublic schools. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: The subject of this bill, to allow a credit for home education and non-public schools, is closely related to HB 756, which proposes an abatement for home education and non-public schools. The committee has voted to retain the subject matter in HB 756. The Ways and Means Committee also has proposed a study committee in HB 773 that will study the benefits of establishing a tuition tax credit program for non-public school. If the study committee bill is passed, the Municipal & County Government sub-committee will ask that the subject matter of both bills be incorporated into the study. If the study bill is not passed, the same subcommittee will study the subject matter of both bills. Vote 12-0.

**HB 722-FN**, relative to land use changes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill allows 50 registered voters to protest a land use change before the planning board. The committee has five bills that deal with planning and zoning issues. The committee did not have the proper time to consider a thoughtful resolution, so they voted to study the subject matter of this bill with HB 713. Vote 15-0.

**HB 723-FN-L**, relative to the definition of residences in an industrial or commercial zone. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The committee felt that the subject matter of this bill should be studied by rolling it into HB 713. HB 713, relative to the penalty for violating a zoning ordinance, will be retained. Vote 13-0.

**HB 740-FN-L**, relative to the process for adopting a default budget in official ballot towns, and applying the default budget provisions in school districts having adopted the official ballot method. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee received several bills pertaining to the default budget in an official ballot form of government (SB 2). The subject matter of this bill will be discussed in a retained bill. (HB 285). Vote 13-0.

**HB 782**, establishing a committee to study voting membership of municipal boards and commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to study the benefits and consequences of disallowing ex officio members of municipal boards and commissions from voting if he or she is an employee or staff member of a municipality. We heard testimony that there are municipalities that have members on their boards and commissions that are not residents. The committee feels that the municipalities can better address this issue through their own channels. Vote 15-1.

**HB 806**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables municipalities to adopt a minimum property tax exemption of \$15,000 for any deaf person who owns and occupies his/her residential property. To be eligible, the deaf person must have a 71 Db hearing average loss or greater in the better ear, as determined by a licensed audiologist, and also must meet net asset requirements. The committee agreed this is a bill long overdue. Vote 16-0.

**Amendment (0805h)**

Amend RSA 72:38-b, VI(a) and (b) as inserted by section 3 of the bill by replacing them with the following:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

**HB 661-FN-L**, relative to Westport Village Road in the town of Swanzy. **OUGHT TO PASS**  
Rep. William E. Leber for Public Works and Highways: This bill reclassifies Westport Village Road between Homestead Avenue and New Hampshire Route 10 after the NH Department of Transportation make repairs that have been agreed to by the town of Swanzy. After the repairs the road will be a town road and the town of Swanzy responsible for maintenance. Vote 14-0.

**HB 339**, establishing a committee to study the use of certain state-owned property along the Baker River. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: State owned land adjacent to the Baker River was originally purchased for a seventh dam in a series of flood control projects. Some years ago, it was determined that this last dam would not be built, leaving the purpose of the land in limbo. A legislative study committee was proposed to make recommendations for revised use or disposition of the land. The large number of water related study bills introduced would have severely tested available assets. With the agreement of the sponsors some of these bills were combined to improve efficiency and quality of product. The issues raised in HB 339 were incorporated into HB 768. Vote 15-0.

**HB 352**, establishing a committee to study the feasibility of a desalinization plant in the New Hampshire seacoast region. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill provides a study committee to see if desalinization is a viable source of drinking water for the seacoast area, which suffers a chronic shortage of drinking water, especially in the summer months. There is hope that this improving technology will solve this problem. The committee agrees that this study is needed, but plans to address this issue in one of the comprehensive water study bills being worked on by the committee. Therefore, this bill is not necessary. Vote 10-5.

**HB 420**, relative to state-owned trails and parking lots in the town of Windham. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as amended, prohibits operation of OHRV's on a portion of the Rockingham Recreation Trail when not snow covered. This portion is about 5 miles of the 19-mile trail, and lies in a historical residential zone where operation of OHRV's is not appropriate during the warm months. It frees up this section of the trail for non-motorized use, including bicycling, walking, jogging, and just pushing a baby carriage. This also increases the quality of life of the neighbors of the trail. The bill also restricts parking in the Windham Depot parking lot to daylight hours and requires sanitary facilities to be provided. Vote 17-0.

**Amendment (0913h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; ATV and Trail Bike Operation on State Lands; Rockingham Recreational Trail.  
Amend RSA 215-A by inserting after section 43 the following new section:

215-A:44 Rockingham Recreational Trail.

I. No person shall operate an OHRV on any portion of the Rockingham recreational trail west of Route 28 when it is not snow-covered.

II. No person shall use the parking lot at the Windham depot along the Rockingham recreational trail during the period from ½ hour after sunset to ½ hour before sunrise.

III. The department of resources and economic development shall provide sanitary facilities at the parking area in Windham along the Rockingham recreational trail when the trail is snow-covered.

2 Effective Date. This act shall take effect 90 days after its passage.



## AMENDED ANALYSIS

This bill:

I. Prohibits operation of an OHRV on the Rockingham recreational trail west of Route 28 when it is not snow-covered.

II. Prohibits using the parking lot at the Windham depot along the Rockingham recreational trail during the period from ½ hour after sunset to ½ hour before sunrise.

III. Requires the department of resources and economic development to provide sanitary facilities at the parking area in Windham along the Rockingham recreational trail when the trail is snow-covered.

**HB 540**, establishing a committee to study a fee on withdrawals of water for commercial purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is one of several study bills involving groundwater before the Resources Committee. The issue addressed by this bill deserves study and the committee plans to address this issue, along with other issues, in a comprehensive study commission as proposed by another bill, which is now before the Resources Committee. Therefore, this bill is not needed. Vote 10-1.

**HB 676-FN**, relative to lake level investigations. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill will establish timelines for the Department of Environmental Services to process lake level investigations on inland public lakes and ponds, requires additional hearing notifications for the public and broadens the ability of the public to petition for such investigations. Further, this bill also adds one member to the water council representing the Department of Agriculture, Markets and Food. The committee amendment allows the Department of Environmental Services to extend their investigation as long as the public is provided with a clear timeline for the investigations to be conducted as well as to identify the time when a final decision will be reached. Vote 15-0.

#### Amendment (0798h)

Amend RSA 482:79-b, V as inserted by section 2 of the bill by replacing it with the following:

V. The department shall reach a decision by September 30, following the public hearing, on whether or not it will change the current management practice or whether further evaluation is required before a final decision can be reached. If the department decides that further evaluation is required, then the department shall provide the basis for its decision and shall specify the scope of the evaluation to be performed, establish the time at which the final decision will be issued, and specify how the lake level is to be managed in the interim period

**HB 742**, establishing a committee to study the relationship between groundwater withdrawals and the ownership of watershed land. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: This bill would have created a study committee having a limited scope of a broad subject. The intent of the committee is that these concerns will be best addressed by more comprehensive legislation pending in committee. Vote 11-0.

**HB 768**, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Lake levels in Lake Francis and the First and Second Connecticut Lakes are controlled by a group of contracts between various New Hampshire, Vermont, United States and non-government organizations. These were negotiated with consideration for the needs of a downstream hydroelectric plant. The purpose of the bill is to establish a study committee to review these contracts with an eye to improving undesirably low lake levels at certain times of the year. Because the large number of water related study bills this year would severely test abilities to conduct several study committees, sponsors agreed to incorporating issues from related bills. The amendment incorporates issues raised by HB 339, relative to the Baker River and adjacent state owned land. Vote 13-0.

#### Amendment (0891h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production. The committee shall also study the need for a flood control and recreation dam and lake, known as the "Baker River Watershed Multiple Use Project Site 7" on the South Branch of the Baker River in Wentworth and shall examine the options for management of certain state-owned property along the Baker River that has been acquired for the project.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

**HB 797**, establishing a committee to study methods for the legislature to protect New Hampshire groundwater aquifers. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis H. Fields for Resources, Recreation and Development: The bill would establish a study committee to examine ways to conserve New Hampshire groundwater aquifers. The committee believes that this issue is better addressed with a study commission proposed by another bill in the committee's possession. Vote 9-2.

**HB 547**, establishing a committee to study public access television. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: Sponsors of the bill were concerned with establishing uniformity in the state for public access television use. Their proposed study committee would review franchise fees, channel location and other access issues associated with public access television. The sponsors concurred with the committee recommendation to include these items in an existing telecommunication oversight committee. Vote 11-0.

### Amendment (0698h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Mount Washington Commission Members. Amend RSA 227-B:3, I-II to read as follows:

I. [Five] Six members shall be appointed by the governor with the consent of the council, one of whom shall be a member of the house of representatives and one *of whom shall be* a member of the senate.

II. One member from each of the following groups shall be appointed through the concurrence of their boards of directors: the Mount Washington Auto Road; the Mount Washington Observatory; [~~Mount Washington TV, Inc.;~~] and the Mount Washington Cog Railway.

2 Duties of the Oversight Committee on Telecommunications; Cable Television. RSA 374:22-j, XIV is repealed and reenacted to read as follows:

XIV. Monitoring all aspects of the cable television industry, including, but not limited to, a-la-carte programming, television violence, tiering issues, Federal Communications Commission regulations and changes, compliance, public access television, access, and build-out.

3 Duties of the Oversight Committee on Telecommunications; Telephone Surcharges. Amend RSA 374:22-j, XVI to read as follows:

XVI. Examining the assessment of surcharges on [~~pay~~] *all* telephone use.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill modifies the duties of the oversight committee on telecommunications and requires the governor to appoint an additional member to the Mount Washington Commission.

**HB 562**, establishing a committee to study air quality monitoring by the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hatch for Science, Technology and Energy: The committee feels it is unnecessary to establish a new committee to study air quality monitoring. The intent of the sponsors can be effectively accomplished by adding the duties of monitoring air quality to the Air Pollution Advisory Committee. Vote 11-0.

#### Amendment (0679h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to an additional duty of the air pollution advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Air Quality. Amend RSA 125-J:11, III by inserting after subparagraph (b) the following new subparagraph:

(c) The effectiveness of department initiatives to assist communities in monitoring and improving their air quality.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill adds an additional duty to the air pollution advisory committee.

**HB 675-FN**, relative to enhanced 911 reimbursements to commercial mobile radio service providers. **INEXPEDIENT TO LEGISLATE**

Rep. Edward R. Leach for Science, Technology and Energy: This bill would eliminate New Hampshire's existing obligation, which is in current statute, to allow recovery of any reasonable costs to wireless telephone carriers of their expenses incurred in responding to a Federal/State mandate to deploy E911 service. The committee felt that the current RSA, in effect since 1997, allows for reasonable recovery of costs. These costs have to be approved by the 911 Commission and the committee felt there was sufficient protection for the state against unnecessary expenses as well as protection for customers against unnecessary charges. The committee also felt it was not prudent to change the state policy just as the carriers are in the process of deploying E911. As a public safety matter, we want to encourage deployment of E911, not inhibit it. According to a FCC order "mechanisms that cover carrier costs are an effective way of expediting wireless E911 for the citizens, especially in rural areas." The current law in New Hampshire is working; therefore, the committee did not see any need to change the law. Vote 15-0.

**HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. **OUGHT TO PASS**

Rep. J. Edward Kerns for State-Federal Relations and Veterans Affairs: The committee reconsidered its recommendation on HCR 15 after further information was presented. The majority feels that sufficient evidence exists to prompt our federal government to oppose the relaxation of air quality standards by the EPA and to hold standards at the level that provides the best protection for New Hampshire's citizens. Vote 12-4.

**HB 228, relative to conduct after an accident. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill is an update to the conduct after an accident statute and would require the driver of a vehicle that has been involved in a crash to provide driver and vehicle information to the police. This bill would also establish penalties for failure to report an Off Highway Recreational Vehicle accident where the operator of an OHRV is involved in an accident resulting in death or injury to a person or damage to property in excess of \$500.00. Vote 17-0.

**Amendment (0606h)**

Amend RSA 264:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The driver of a vehicle who knows or should have known that he or she has just been involved in any accident which resulted in death[;] *or* personal injury ~~[or damages]~~ *shall immediately stop such vehicle at the scene of the accident and shall give to any responding police officer arriving at the scene of the accident, or immediately to a police officer at the nearest police station, the driver's name and address, driver's license number, the registration number of the vehicle, and the name and address of each occupant. The driver of a vehicle who knows or should have known that he or she has just been involved in any accident which resulted in damage to* property, shall immediately stop such vehicle at the scene of the accident and give to the driver or owner of any other vehicle involved in said accident, ~~[and to any person injured;]~~ and to the owner of any property damaged, the driver's name and address, driver's license number, the registration number of the vehicle, and the name and address of each occupant. ~~[If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or driver of such other vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a police officer at the nearest police station;]~~ Any person driving a vehicle which is in any manner involved in an accident or any person who owns a vehicle which was illegally parked when it was involved in an accident shall within 15 days after such accident report in writing to the division the facts required hereunder together with a statement of the circumstances if any person is injured or killed, or if damage to property is in excess of \$1,000, unless the accident is investigated by a police officer, in which case a report filed by such officer shall satisfy the requirements of this section; provided, however, that any person not otherwise required by this paragraph to file a report, who owns a vehicle which was involved in an accident, may file a report as provided by this paragraph. Voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. All reports, filed as required in this paragraph, shall be in the form prescribed by the director and shall contain information to enable the division to determine whether the requirements for the deposit of security under RSA 264:3 are inapplicable by reason of the existence of insurance or other exceptions specified in that chapter. If such driver is physically or mentally incapable of making such report, the owner of the vehicle involved in such accident or the owner's representative shall, after learning of the accident, forthwith make such report. The driver or the owner shall furnish such additional relevant information as the division shall require. The provisions of this section shall be of general application and shall not be restricted to a way as defined in RSA 259. *Nothing in this section is intended to prohibit a driver from leaving the scene of an accident involving death or personal injury for the purpose of obtaining immediate medical assistance or emergency services in behalf of any person involved in the accident, provided that the driver complies with the requirements of this section immediately after obtaining the necessary medical assistance or emergency services.*

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Off Highway Recreational Vehicles; Financial Responsibility and Conduct After an Accident. Amend RSA 215-A:28, I to read as follows:

I. (a) All provisions, including the penalties, suspensions, and prohibitions of the New Hampshire financial responsibility law, and the provisions of statutes relative to the operation of a motor vehicle, shall apply to an OHRV being operated upon a public highway.

(b) The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of \$500, *or* the owner of the OHRV having knowledge of the accident, should the operator be incapacitated, shall report the accident immediately to the nearest

police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

3 New Paragraph; Off Highway Recreational Vehicles; Penalty for Conduct After an Accident. Amend RSA 215-A:28 by inserting after paragraph IV the following new paragraph:

V. Any operator or owner who fails to comply the requirements of RSA 215-A:28, I(b) or RSA 215-A:28, III following an accident involving damage to property shall be guilty of a misdemeanor. Any operator or owner who fails to comply the requirements of RSA 215-A:28, I(b), RSA 215-A:28, III, or RSA 215-A:28, IV following an accident involving death or personal injury shall be guilty of a class B felony. Any operator or owner who provides information required by RSA 215-A:28, I(b), RSA 215-A:28, III, or RSA 215-A:28, IV following an accident, knowing or having reason to know such information is false, shall be guilty of a class B felony.

#### AMENDED ANALYSIS

This bill requires the driver of a vehicle that has been involved in an accident which resulted in death or personal injury to provide driver and vehicle information to the police. This bill also establishes penalties for failure to report an OHRV accident.

#### **HB 402**, relative to child passenger restraints. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: Current law on child passenger restraint requires anyone less than four years of age to be properly fastened and secure. The committee has had bills in the past that would have increased the age up to eight years and added a weight and height requirement. After much testimony in favor of increasing the child restraint law, the committee amended the bill so that the restraint law increases the age to less than six years or a height less than 55 inches. The New Hampshire Traffic Safety Committee and law enforcement will be working with other organizations to educate the public on the importance of child passenger restraints and their proper installation. Vote 17-0.

#### **Amendment (0823h)**

Amend the bill by replacing section I with the following:

1 Child Passenger Restraints Required. Amend RSA 265:107-a, I to read as follows:

I. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened or, if the person is less than [4] **6** years of age *or is less than 55 inches in height*, unless such person is properly fastened and secured by a child passenger restraint which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. *Except as provided in paragraph II*, no person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless the motor vehicle was designed for and equipped with the passenger restraints specified above.

#### AMENDED ANALYSIS

This bill makes the child passenger restraint requirement apply to a person less than 6 years of age or less than 55 inches in height. The requirement currently applies to persons less than 4 years of age.

#### **HB 509**, relative to access to motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill would give personal excess liability (umbrella policies) insurance companies the same access to motor vehicle records that is given to automobile insurance companies. This is done on a case-by-case basis with the knowledge of the individual who is applying for the insurance coverage. Vote 17-0.

#### **Amendment (0777h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicle Records; Access by Insurance Companies. Amend RSA 260:14, IV(a)(2) to read as follows:

(2) Insurance companies authorized to write automobile *and personal excess liability* insurance policies in this state, or by self-insured entities, or their authorized agents, for use in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

2 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill gives personal excess liability insurance companies the same access to motor vehicle records that is given to automobile insurance companies.

**HB 534**, relative to properties with 2 or more unregistered motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: The sponsor of this bill was attempting to help clarify the statute already on the books concerning unregistered cars on private property. During discussions the majority of the committee members felt that this bill would cause more confusion than clarity. Vote 17-0.

**HB 582-FN**, increasing the penalty for abandoning a motor vehicle. **INEXPEDIENT TO LEGISLATE**  
Rep. Sherman A. Packard for Transportation: There were three bills concerning abandoned vehicles. The three bills were combined into House Bill 699-FN. Vote 16-0.

**HB 655-FN**, relative to motor vehicle dealer license applications. **INEXPEDIENT TO LEGISLATE**  
Rep. Sherman A. Packard for Transportation: Another bill which is now in the committee is a much more comprehensive bill concerning the subject matter discussed in this bill. It is the committee's intention to look into incorporating language from this bill into the other bill. Vote 16-0.

**HB 699-FN**, relative to abandoned vehicles. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Sherman A. Packard for Transportation: For years the Transportation committee has been hearing about the problem of abandoned vehicles. These cars are not only being left on private property but more and more are being abandoned on roadsides. It is estimated that 10,000 vehicles a year in New Hampshire could fall into this category. This not only is becoming a real financial burden to many small business owners, but also could become a real environmental problem if these junk cars are not properly disposed. With the help of the NH Towing Association and the NH Auto Dealers Association we feel that the changes we have made will help towing companies locate the owners of these abandoned vehicles. This will help to facilitate the proper disposal of these vehicles. Vote 15-0.

**Amendment (0557h)**

Amend the bill by replacing sections 1-2 with the following:

I New Paragraph; Review of Fees for Removal and Impoundment; Items in Vehicle. Amend RSA 262:35-a by inserting after paragraph II the following new paragraph:

III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision, the person may remove any items from within the vehicle that are not a part of or accessories to the vehicle. The person may hold any such items, other than wallets, purses, legal documents, car seats, eyeglasses, medicine, or medical equipment, pending payment of any fees due under this subdivision. If fees remain unpaid after 60 days, the person may dispose of the items.

2 Abandoning a Vehicle; Penalty. Amend RSA 262:40-c to read as follows:

262:40-c Abandoning a Vehicle; Penalty. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his *or her* own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation *and shall be subject to a fine of not less than \$100 and not more than \$500*, and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director [may] *shall* suspend the driver's license of any person who has not paid such costs.

3 Effective Date. This act shall take effect January 1, 2004.

**HB 822**, relative to abandoned vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: There were three bills concerning abandoned vehicles. The three bills were combined into HB 699-FN. Vote 16-0.

**HB 107, relative to bingo. OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This is one of 4 bills, including HB 261, HB 262, and HB 558, which seek to simplify and modernize the statutes on social bingo and Lucky 7, which are almost always played in conjunction. The sponsors of HB 107 wished to make it possible for some social clubs not considered to fit the current list of clubs eligible to run bingo games to do so. They also wanted to require some sort of reporting by bingo operators of how they are using their bingo proceeds to benefit the community. The amendment cleans up the language, reduces the burden of reporting to what is appropriate for these clubs, and adds the proceeds from their Lucky 7 sales. Vote 16-1.

**Amendment (0830h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Charitable Organization; Definition. Amend the introductory paragraph of RSA 287-E:1, V to read as follows:

V. "Charitable organization" means any [~~bona fide religious, charitable, civic, veterans, or fraternal~~] **non-profit** organization which shall have been registered with the secretary of state for at least 2 years and in existence and organized under the laws of this state for at least 2 years in a town or city in this state, and which possesses a tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under authority of those sections. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

2 New Paragraph; Community Benefit Report. Amend RSA 287-E:9 by inserting after paragraph VII the following new paragraph:

VIII. Each calendar year, every non-profit organization shall report to the attorney general on how the proceeds from the bingo operations and the sale of lucky 7 tickets are benefiting the community, including the amount and destination of net proceeds.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill changes the definition of charitable organization to include any non-profit organization registered with the state. This bill also requires that non-profit organizations licensed to conduct bingo games report to the attorney general each calendar year concerning how gaming is benefiting the community.

**HB 262, relative to operators of bingo and games of chance. OUGHT TO PASS WITH AMENDMENT**

Rep. Tom F. McCormick for Ways and Means: The sponsors wished to make the laws on bingo and games played at Monte Carlo nights, coherent by ending the prohibition on those convicted of misdemeanors from acts of volunteers and paid operators of these games. In the public hearing it was pointed out that misdemeanors included substantial property theft crimes. An amendment was offered by the sponsors to make the prohibition 10 years after a felony or misdemeanor A, and 5 years for misdemeanor B. The committee also amended the bill to include Lucky 7 ticket sales. Vote 16-1.

**Amendment (0831h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of Games of Chance. RSA 287-D:2-b, VI is amended to read as follows:

VI. No person who has been convicted of [~~any criminal offense~~] **a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court**, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter.

2 License Applications. Amend RSA 287-E:5, V (c) to read as follows:

(c) That neither the applicant nor any member of the charitable organization who will be participating in the operation of the bingo games **and sale of lucky 7 tickets** has been convicted of [~~any crime~~] **a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court**, or has violated the statutes or rules governing charitable gambling.

3 Operation of Bingo Games and Sale of Lucky 7. Amend RSA 287-E:7, VI to read as follows:

VI. No person who has been convicted of ~~[any criminal offense]~~ *a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court*, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a bingo game *or participate in the sale of lucky 7 tickets* licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or bingo paraphernalia for the conduct of bingo licensed under this chapter.

4 Effective Date. This act shall take effect January 1, 2004.

**HB 280-FN**, relative to the poison information center. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Peyton B. Hinkle for Ways and Means: The committee agreed with the Science, Technology and Energy Committee that it is important to continue the statewide program for poison information and treatment, and that this program should meet the certification standards set by the American Association of Poison Control Centers. However, the Ways and Means Committee felt that a more appropriate funding mechanism would be a surcharge applied to each licensed medical insurer in the state, and assessed in proportion to the number of its covered lives. Of the 17,000 calls received by the Poison Control Center last year 76% of the cases were managed at home by the center, thus saving the cost of unnecessary ambulance calls and emergency room visits. This results in a savings of \$7.00 in medical care for every \$1.00 spent on a poison control center. The committee felt their form of funding made a logical link to an insurance assessment. Vote 18-0.

#### Amendment (0900h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to provide a sustainable and fiscally responsible funding mechanism to support the continuation of a statewide program for poison information that meets certification standards developed by the American Association of Poison Control Centers. The general court recognizes that the poison information center is an important emergency medical telephone service which complements and enhances the purposes of other emergency public health and safety efforts in New Hampshire.

2 Health and Human Services; Poison Information and Control. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment.

I. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services, and shall be from the assessment authorized by paragraph II. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant. The health and human services oversight committee shall, no later than July 1, 2007, review the accreditation standards of the American Association of Poison Control Centers to determine whether it is appropriate to continue to require the poison information center to meet such standards.

II. The commissioner shall determine the annual cost for the poison information center under paragraph I; such cost to be decreased by the amount of funding raised by grants, fees, donations and other sources enumerated under paragraph I. Each licensed insurer shall be assessed in proportion to the number of its covered lives by the insurance commissioner. The amount to be raised shall then be determined by multiplying the ratio of the number of covered lives to the cost of the funding for the poison information center. For the purposes of this paragraph:



(a) "Covered lives" shall have the same meaning as defined in RSA 404-G:2, V.

(b) "Health insurance" shall have the same meaning as defined in RSA 404-G:2, VII.

(c) "Licensed insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B. "Licensed insurer" shall not include the New Hampshire Individual Health Plan Benefit Association.

III. The insurance commissioner shall remit the assessments charged pursuant to paragraph II on a monthly basis to the department of health and human services, which shall be forwarded to the state treasurer for deposit in the poison information center fund. Such fund shall be continually appropriated to the department of health and human services and shall not lapse. The moneys in the account shall not be used for any purpose other than the poison information center developed or designated pursuant to RSA 126-A:49.

3 New Subparagraph; State Treasurer; Poison Information Center Fund. Amend RSA 6:12, 1 by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmmmm) Moneys received under RSA 126-A:49, II, which shall be credited to the poison information center fund established in RSA 126-A:49, III.

4 Health and Human Services; Poison Information and Control. Amend RSA 125:9, IX to read as follows:

IX. Develop or designate a statewide ~~[program for]~~ poison information ~~[and treatment]~~ center under RSA 126-A:49 *by soliciting proposals and selecting a vendor.*

5 Initial Budget for Poison Information Center. For the purposes of initiating the budget for the poison information center, the commissioner of health and human services shall submit an initial budget to the legislative fiscal committee for final approval.

6 Health and Human Services; Poison Information and Control; References to Surcharge and Accreditation Review Eliminated. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant.

7 Repeal. RSA 6:12, I(mmmmmmmmm), relative to the poison information center fund, is repealed.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the poison information center assessment on covered lives as a funding mechanism to continue the statewide program for poison information and treatment which meets certification standards developed by the American Association of Poison Control Centers.

The assessment is repealed in 2007.

Referred to Finance.

### HB 558, relative to financial reports on bingo and lucky 7 operations. OUGHT TO PASS WITH AMENDMENT

Rep. Tom F. McCormick for Ways and Means: The committee agreed with the sponsor that consultant information should be included in the financial reports of Bingo and Lucky 7 operators. The bill calls for the financial reports to include name, address, business entity of anyone providing consulting, accounting, management or similar services to an organization operating Bingo and Lucky 7. Vote 17-0.

**Amendment (0884h)**

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Bingo; Financial Reports; Consultant Information. Amend RSA 287-E:9, III by inserting after subparagraph (c) the following new subparagraph:

(f) The name and address of any person, or business entity, who provided consulting, accounting, management, or other similar services to the organization for the operation of bingo.

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kurt J. Roessner for Ways and Means: The increase in fees were required to adequately fund the Department of Environmental Services' various duties relative to underground storage facilities, vapor recovery inspections, and state and federal core program functions. These changes will increase state restricted revenues by \$263,000 per year and increase unrestricted general fund revenues by \$5,000 per year. The bill was supported by the Department of Environmental Services as well as representatives from two oil companies and an oil industry trade association. There were no witnesses in opposition to this bill. Vote 17-0.

**Amendment (0691h)**

Amend the bill by replacing section 1 with the following:

1 Oil Import Fee. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ~~[\$.00+]~~ **\$.00125** per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety. ~~[and then deposited by]~~ ***The department of safety shall deposit the first \$100,000 of fees paid in each fiscal year into the general fund. The remainder shall be deposited*** into the oil pollution control fund administered by the department of environmental services. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

**AMENDED ANALYSIS**

This bill increases the oil import license fee, changes the rate of interest assessed on overdue oil import fees, and repeals underground storage facility permit fees.

This bill also allocates the first \$100,000 of each fiscal year to the general fund.  
Referred to Finance.

**HB 705**, establishing a committee to study eliminating the application of the communications services tax to the provision of Internet services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kurt J. Roessner for Ways and Means: This proposed legislation, as amended, will establish a study committee to examine the existing application of the communications services tax to the provision of internet services across distribution channels such as standard telephone, cable, digital subscriber lines (DSL) and satellite. This legislation also extends the current communication services tax at seven percent for the period beginning July 1, 2003 and ending June 30, 2005, and extends the repeal date for exemption of wooden poles and conduits under RSA 72:8-b from July 1, 2003 to July 1, 2005. Vote 18-0.

**Amendment (0892h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the application of the communications services tax to the provision of Internet services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the application of the communications services tax to the provision of Internet services.

Amend the bill by replacing all after section 5 with the following:

6 Rate of Tax for Biennium Ending June 30, 2005; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2003 and ending June 30, 2005, the rate of tax shall be 7 percent on the gross charge for communications services purchased at retail from a retailer.

7 Prospective Repeal Date Extended for Exemption of Wooden Poles and Conduits Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 and 2001, 158:2 to read as follows:

1. Section 5 of this act shall take effect July 1, [2003] **2005**.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the application of the communications services tax to the provision of Internet services.

The bill also establishes the rate of the communications services tax for the biennium ending June 30, 2005 and extends a property tax exemption for certain wooden poles and conduits until July 1, 2005. Referred to Finance.

**HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Kevin L. Camm for Ways and Means: This bill significantly raises fees on dredge and fill and terrain alteration applications. It also established timeframes for the Department of Environmental Services to act on dredge & fill applications. This increase will fully staff the wetlands bureau to their desired levels and add two positions to the terrain alteration staff. The committee still has some concerns regarding assumptions made by the department to warrant this very high increase in fees. The chairman has appointed an ad-hoc committee to substantiate the methodology used by the department. The results of which can be forwarded to the Finance Committee should adjustments need to be made. Vote 20-0.

Referred to Finance.

### REGULAR CALENDAR

**HB 123**, relative to notice given to putative fathers in adoption proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The amendment replaces the bill. It provides a housekeeping measure which expands and clarifies the responsibility of the court to notify birth fathers in adoption proceedings. This notice will include the State of NH, the state where the child was born and the state where the mother resides. Vote 14-0.

### Amendment (0629h)

Amend the bill by replacing all after the enacting clause with the following:

1 Adoption; Notice to Person Claiming Paternity and Hearing to Determine Right to Consent. Amend RSA 170-B:5-a, I to read as follows:

I. The following persons shall be given notice by the court and shall have the right to request a hearing to prove paternity:

(a) A person named by the natural mother in an affidavit *given in conjunction with her relinquishment or consent to adoption or* filed with the court, prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

(b) The natural or legal father, if his identity is known by the court, the adoption agency which is legal guardian of the child, or the proposed adoptive parents or their attorney, prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

(c) A person who claims to be the father and *who is named in a petition for paternity or legitimization filed in the immediate jurisdiction in which the child was born, or* who has filed notice of his claim of paternity with the office of child support enforcement *in New Hampshire or in the state where the child was born or where the mother resides, and* upon the forms supplied thereby. The notice form shall indicate the claimant's willingness and intent to support the child to the best of his ability. The notice form may be filed prior to the birth of the child but must be filed prior to the mother's rights being voluntarily relinquished pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or involuntarily terminated. Failure to file the

notice prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

(d) A person who is openly living with the child or the child's mother ~~and~~ **or** providing financial support to the mother or child at the time any action under this chapter is initiated and who is holding himself out to be the child's father prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

2 Adoption; Withdrawal of Consent. Amend RSA 170-B:10 to read as follows:

170-B:10 Withdrawal of Consent.

**I.** A consent to adoption by a parent, including a minor parent, or by a legal guardian executed and acknowledged in accordance with the provisions of RSA 170-B:9, ~~[cannot]~~ **may not** be withdrawn after the entry of the interlocutory decree of adoption unless ~~[it shall have been]~~ **the consent was obtained by fraud or duress.**

**II.** A consent to adoption may not be withdrawn prior to the entry of an interlocutory decree of adoption unless the court finds, after notice and opportunity to be heard is afforded separately to the petitioner, the person seeking the withdrawal, and the agency placing a minor for adoption, provided that the agency shall be present at all hearings, that the withdrawal is in the best interest of the person to be adopted and the court orders the withdrawal.

**III.** A consent to adoption by a parent, including a minor parent, or by a legal guardian shall be irrevocable after the entry of the final decree of adoption.

**IV.** A parent wishing to withdraw ~~[such]~~ consent to an adoption **as provided in paragraphs I and II** shall notify the court in writing where the consent was taken. **An order granting the withdrawal of consent shall vacate the other parent's consent and shall reinstitute that parent's right to notice of further proceedings concerning the child.**

3 Effective Date. This act shall take effect January 1, 2004.

Adopted.

Report adopted and ordered to third reading.

**HB 177**, excluding stepchildren from the definition of "child" in the context of support orders. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill removes "stepchild" from the definition of "dependent child." It also amends RSA 546-A:1, Uniform Civil Liability for Support, that leaves stepchildren liable to support stepparents. Vote 11-4.

Adopted and ordered to third reading.

**HB 298**, relative to the award of joint physical custody of children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The amendment replaces the original bill. The amendment states the legislative findings that it is in the public interest to encourage parents undergoing dissolution of the marriage to continue to share the rights and responsibilities of child rearing and that the court shall make findings relative to an award of physical custody. Vote 13-2.

#### **Amendment (0609h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to physical child custody decisions.

Amend the bill by replacing all after the enacting clause with the following:

**1 Findings.** The legislature finds and declares that it is the public policy of this state that frequent and continuing contact between minor children and both parents after the parents have separated or dissolved their marriage is ordinarily beneficial to the children. The legislature also finds that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

**2 Domestic Relations; Support and Custody of Children; Joint Physical Custody Awards.** Amend RSA 458:17, III to read as follows:

**III.** For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children. ***Upon the request of either party, the court shall make findings relative to the basis for an award of physical custody.***

3 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill provides that, upon the request of either party, the court shall make findings relative to the basis for a physical child custody decision.

Adopted.

Report adopted and ordered to third reading.

**HB 553**, relative to same-sex civil unions contracted outside of the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for the Majority of Children and Family Law: New Hampshire law only recognizes marriages between a man and a woman. The Federal Defense of Marriage Act ensures that no state shall be required to recognize same-sex marriages. NH law defines marriage as a legal union of a man and woman. The wording of the proposed bill could also create unintended problems. Vote 11-3.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The minority felt that this bill ought to pass with amendment. If amended, this bill would clarify New Hampshire's marriage reciprocity law, RSA 457:3.

Majority report adopted.

**HB 572-FN**, relative to criminal non-support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David A. Bickford for the Majority of Children and Family Law: The committee decided that the commission created to study child support issues through HB 310 would be a better forum for assessing and recommending changes in thresholds for criminalizing non-support. Vote 14-1.

Rep. David M. Bouchard for the Minority of Children and Family Law: The minority felt that our children are going without child support for much too long. Currently Class B felony charges can only be filed after one year of failure to pay, or if \$10,000 of arrearages have accrued.

Majority report adopted.

**HB 317**, relative to medical insurance for dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The committee struggled over defining a dependent full time student given the wide variety of credit hours of some out-of-state institutions. Currently insurance companies are covering all dependent full time students attending institutions of higher learning in New Hampshire. The unintended consequences may lead to some dependent student losing their health insurance by the legislature attempting to define what is a dependent full time student. Vote 12-7.

Adopted.

**HB 384**, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: Financial affidavits used during divorce, separation, annulments are statements of a personal nature and should not be made public since it accomplishes no public purpose. Most states do not include financial affidavits in the court file, but are kept by the clerk of courts and available to all. Vote 17-2.

### Amendment (0599h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to financial affidavits in domestic relations cases.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Annulment, Divorce, and Separation; Procedure; Financial Affidavits. Amend RSA 458 by inserting after section 15-a the following new section:

458:15-b Financial Affidavits. All financial affidavits filed under this chapter shall be confidential and accessible only to the parties, their attorneys, the guardian ad litem, department of health and human services employees responsible for child support administration, and state and federal officials for the purpose of carrying out their official functions. A person who receives or obtains a financial affidavit may not disclose it to anyone other than those persons authorized in this section.

2 Applicability. Section 1 of this act, relative to financial affidavits, shall apply to all proceedings under RSA 458 filed or brought forward on or after October 1, 2003.

3 Effective Date. This act shall take effect October 1, 2003.

## AMENDED ANALYSIS

This bill provides that financial affidavits in domestic relations cases are confidential and accessible only to the parties, their attorneys, the guardian ad litem, and state and federal officials.

Adopted.

Report adopted and ordered to third reading.

**HB 398**, establishing a committee to study the establishment of a healthy adults corporation. **IN-EXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: The committee feels that the purpose of this legislation is worthy. However, the Healthy Kids Corporation has already been given the task of studying the formation of a Healthy Adults Corporation as they already have expertise in this area. They have been working on this for the last three years and issue annual reports. Vote 18-1.

Adopted.

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leo W. Fraser, Jr. for the Majority of Commerce: New Hampshire has no law regarding how many generations a trust can last, therefore the courts rely on an old English tradition dating back to when the king wanted to reclaim estates of former members of his court, and then give them to new members of his court. The Commerce Committee feels that it should be the right of anyone to leave their assets to anyone they want for as long as they want. The committee feels that this issue should not be left up to the courts relying on ancient legal tradition but rather should be in statute that it is the right of any individual if he/she chooses to leave money to future generations. Vote 11-4.

Rep. Dennis P. Vachon for the Minority of Commerce: The Rule Against Perpetuities originates from the English common law and applies to the interest of a beneficiary under a trust. Under the rule, unless the interest of the beneficiary must vest, if at all, within twenty-one years after some life in being at the creation of the trust, that beneficiary's interest is void. House Bill 431 seeks to eliminate that rule in order to allow for the creation of so-called "dynasty trusts" in the State of New Hampshire, thereby allowing a few extremely wealthy individuals and their bankers to extend control of their assets indefinitely into the future. The minority believes that the rule against perpetuities strikes an acceptable public policy balance between the desires of the super rich and the needs of the remainder of the society by ensuring the availability of those assets to meet the needs of the trustor's current generations.

**Majority Amendment (0880h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Section; Trustees of Estates; Exemption from Rule Against Perpetuities. Amend RSA 564 by inserting after section 23 the following new section:

564:24 Exemption from Rule Against Perpetuities.

I. The common law rule against perpetuities shall not apply to any disposition of property or interest therein, created after the effective date of this section, if:

(a) The instrument making the disposition or creating the interest contains a provision which expressly exempts the instrument from the application of the rule against perpetuities; and

(b) The trustee, or other person to whom the power is properly granted or delegated, has the power under the governing instrument, applicable statute, or common law, to sell, mortgage, or lease property for any period of time beyond the period that is required for an interest created under the governing instrument to vest in order to be valid under the rule against perpetuities.

II. This section shall also apply to a trust or a trustee of a trust as defined in RSA 564-A:1.

Majority amendment adopted.

Rep. Vachon spoke against.

Rep. Hunt spoke in favor.

On a division vote, 239 members having voted in the affirmative and 104 in the negative, the Majority report was adopted.

Ordered to third reading.

**HB 451**, relative to terminating rights to business names when transferring ownership of historic buildings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for the Majority of Commerce: The intent of this bill is to assure that a trade name, associated with a historic property, is transferable with the title of the property, upon the dissolution of a business. The committee believes that a trade name is an intangible asset that may or may not have value separate and distinct from the real estate, and as such may or may not be negotiated as part of the sale of the real estate. It would be inappropriate for the state to attach special status for a trade name associated with a historic property. An amendment was proposed in committee but was voted down. The committee recommends inexpedient to legislate. Vote 17-1.

Rep. Dennis P. Vachon for the Minority of Commerce: Under current law, the Secretary of State is prevented from allowing the purchaser of an historic property from using the name historically associated with the property for a period of two years and four months without the written consent of any individual, corporation or other business entity which had previously obtained the exclusive right to use that name and fails to renew or file their annual report. House Bill 451 would have allowed the purchase of an historic property to immediately assume the use of a trade name associated with the historic property. The minority supports this right as necessary to preserve the economic viability of projects to preserve our historic buildings. The minority's amendment goes one step further to clarify the right of any such individual, corporation or other business entity which purchases an historic property to utilize the name historically associated with the property in its ownership of the property and in the operation of any business activities at the property.

Reps. Barbara Richardson and Vachon spoke against.

Rep. Spiess spoke in favor.

On a division vote, 266 members having voted in the affirmative and 82 in the negative, the majority report was adopted.

**HB 535**, relative to the definition of billiards/pool hall for purposes of liquor licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This proposed legislation was introduced at the request of the owner of a billiards/pool hall to reduce the number of tables required to qualify for a full liquor license. Current law allows the owner to sell beer, wine and mixed drinks with alcohol content less than 23 %. The Liquor Commission does not support this legislation. The committee believes we should not make a change in the law to accommodate a single proprietor. Vote 15-3.

Adopted.

**HB 744**, relative to motor vehicle accidents involving uninsured motorists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul D. Spiess for the Majority of Commerce: The intent of this bill is to prohibit insurance companies from threatening uninsured motorists with a loss of license or legal action if they fail to settle an accident claim. New Hampshire is one of the few states that allow its residents to drive uninsured vehicles. However, if an uninsured motorist is in an accident and a claim is filed with the insurer of the other vehicle, under the right of subrogation, the insurer can pursue a claim directly against the individual. Further, state law requires that if an uninsured motorist is in an accident that results in a claim, the State may revoke the license of the uninsured motorist or require that they post a bond. It is the opinion of the majority of the committee that an uninsured motorist is financially liable for his or her actions, that an insurer possesses the right to seek financial settlement, that failure to reach settlement can be grounds for legal action, and that state law does provide for potential loss of license. It therefore seems reasonable for an insurer to point these facts out when seeking settlement of a claim. Vote 12-2.

Rep. Dennis P. Vachon for the Minority of Commerce: New Hampshire does not have mandatory automobile insurance. We have chosen to deal with the problem of uninsured motorists by requiring proof of financial responsibility in order for someone to keep their driving privileges if they have caused damage to another through an accident. The minority believes that this policy has provided insurance companies an unfair advantage in dealing with motorists who are unable to afford automobile insurance coverage when making claims on behalf of their insured. We further believe that this advantage has resulted in abuse by some carriers who threaten civil actions and loss of licensure in order to compel uninsured motorists to pay claims for which they may not be legally responsible. HB 744 would have made threatening an uninsured motorist with loss of licensure an unfair claims practice. The minority is proposing an amendment which would require insurance carriers to either have a favorable court judgment or a determination from the Department of Safety through the financial responsibility hearing process that they have a reasonable possibility of obtaining such a judgment before pursuing collection actions against uninsured motorists.

Reps. Gorman and Vachon spoke against.

Rep. Spiess spoke in favor.

On a division vote 252 members having voted in the affirmative and 96 in the negative, the majority report was adopted.

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was recommended OTP at our executive session on March 3, 2003. On March 14, 2003 the Criminal Justice and Public Safety Committee held another public hearing to consider a non-germane amendment to attach to the original HB 415. The amendment speaks to the implied consent that is in our Constitution and RSA's. I refer the reader to #109 NH 324, 251, 251 A 2d 332 (1969) and 87 NH 64, #174 A 193 (1934). These decisions speak to the fact that we in New Hampshire are not a home rule state, but rather we are an enabling state. This means "the towns have only as much power as is delegated to them by the legislature" see (Jackson v Town Country Motor Inn). In an attempt to explain this further we all know we have 3 levels of government, federal, state and local. As in the federal constitution and our NH Constitution, federal law supersedes state law and state law supersedes local ordinances. In fact, our court decisions have stated, "the fact that an ordinance may be of some public benefit is not enough under the state constitution to give validity. In addition, it must not impair or destroy private rights guaranteed by the Constitution (Woollf v Fuller, 87 NH 66, 174 A 193 (1934). This amendment is not about taking away "local control". It is simply that the towns do not have the authority to regulate firearms and never did, because the state legislature never granted them the power to do so. This amendment is about prohibiting restrictive, complex patchwork-type ordinances which will continue to spring up and confuse all who travel through our state. Vote 12-1.

#### **Amendment (0570h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision: State Jurisdiction; State Authority Over Firearms and Ammunition. Amend RSA 159 by inserting after section 25 the following new subdivision:

State Jurisdiction

159:26 Firearms and Ammunition; Authority of the State.

I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms businesses in the same manner as other businesses.

II. Upon the effective date of this section, all municipal ordinances and regulations relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, or firearms supplies shall be null and void.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2004.

II. The remainder of this act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill raises the age requirement for speedy trial in sexual assault cases involving minors from 13 years of age to 16 years of age and establishes the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

Rep. Robertson spoke against.



Rep. Bicknell spoke in favor and yielded to questions.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

## YEAS 243 NAYS 115

### YEAS 243

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Lawton, David	Nedean, Stephen	Pilliod, James
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Dexter, Judson	Eaton, Daniel	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Parkhurst, Henry	Royce, H Charles
Smith, Edwin			

#### COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

#### GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Ingbretson, Paul	Maybeck, Margie	Naro, Debra	Solomon, Peter
Williams, Burton			

### HILLSBOROUGH

Adams, Jarvis	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Balcom, John	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bouchard, David	Brassard, Paul	Bruno, Pierre
Buhlman, David	Cail, Kenneth	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dionne, Kimberley	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Gargas, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Haley, Robert	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Holden, Randolph	Hopper, Gary	Infantine, William
Jasper, Shawn	Johnson, Lionel	Kerns, J Edward	Kurk, Neal
L'Heureux, Robert	Lafamme, Charles	Lawrence, James	Lessard, Rudy
Luebckert, Bernard	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mooney, Maureen	Mosher, William
Movsesian, Lori	O'Brien, Lori	Ober, Russell III	Palangas, Eric
Pappas, Marc	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Sullivan, Jeffrey	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James
Wheeler, Robert			

### MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Colcord, J D
Currier, David	Dunne, Christopher	Field, William	Foley, Albert
Jacobson, Alf	Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen
Leber, William	MacKay, James	Marple, Richard	McCormick, Tom
Nutter, Edward	Ouellette, Robert		

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Cady, Harriet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Dearborn, Bruce	DiFruscia, Anthony	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Manning, John	McCann, Richard	McKinney, Betsy	McMahon, Charles
Morris, Richard	Noyes, Richard	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Putnam, Ed II	Quandt, Matthew	Rausch, James
Robertson, Carl	Roessner, Kurt	Smith, Donald	Smith, Paul
Stritch, C Donald	Varrell, Thomas	Waterhouse, Kevin	Welch, David
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Zolla, William

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Bickford, David
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Dunlap, Patricia
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Newton, Clifford
Scott, David	Twombly, James	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James	Rodeschin, Beverly	

**NAYS 115****BELKNAP**

Bartlett, Gordon	Dewhirst, Glenn
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**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Espiefs, Peter
Fish, Douglas	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Slack, Pamela
Weed, Charles			

**COOS**

Mears, Edgar	Poulin, Richard	Theberge, Robert
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**GRAFTON**

Akins, Ralph	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda

**HILLSBOROUGH**

Baroody, Benjamin	Bergin, Peter	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dokmo, Cynthia	Fletcher, Richard	Ford, Nancy	Gorman, Mary
Irwin, Anne-Marie	Jean, Claudette	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Malloy, Chris	McDonough-Wallace, Alice
Pappas, Christopher	Pilotte, Maurice	Scanlon, Michael	Schulze, Joan
Spiess, Paul	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Davis, Frank	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Langer, Ray
Lockwood, Priscilla	Maxfield, Roy	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reed, Dennis	Rush, Deanna
Wallner, Mary Jane			

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Dodge, Robert	Gould, Kenneth
Norelli, Terie	Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Vallone, Matthew	Winchell, George

**STRAFFORD**

Brown, Julie	Creteau, Irene	Grassie, Anne	Heon, Richard
Hofemann, Roland	Miller, Joseph	Musler, George	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Vachon, Dennis	

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter			

and the committee amendment was adopted.

Report adopted and ordered to third reading.

**HB 464-FN**, establishing a criminal penalty for facilitating a drug or underage alcohol house party.  
**MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Elbert I. Bicknell for the Majority of Criminal Justice and Public Safety: This bill came before the committee via the students of St. Thomas Aquinas school of Dover. The students concern was not only that underage students are consuming drugs and/or alcoholic beverages, but that 60% of the students did so at home, some with parents' consent, some without. All who testified except one spoke in favor of the bill's concept at the public hearing. The bill creates a new section under RSA 644 (Breach of Peace & Related Offenses) and makes it a misdemeanor if the owner of a dwelling or property facilitates a drug or underage alcohol party. Elements of the offense are varied but include 5 or more underage participants of which 1 or more has either drugs or alcohol in their possession. However, the bill does allow for an affirmative defense when the owner either gives a notice to law enforcement of the occurrence of such a party or engages in conduct designed to prevent and curtail such party while exercising due care to ensure the safety of the party's participants. The bill does not apply to the use of alcoholic beverages at religious observances, nor does it apply to drugs given under a physician's care and control. Vote 14-1.

Rep. Timothy N. Robertson for the Minority of Criminal Justice and Public Safety: It is important to learn how to use alcohol in a responsible manner, just as it is important to learn the rules of polite behavior, the rules of the road, and the rules by which we run our towns, our state, and our country. Our offspring leave home in their late teens. At the age of 18 they are legally old enough to vote, old enough to die for their country, old enough to marry and have children. Yet we as parents or other responsible adults cannot teach them to drink in a typical social or home situation. Therefore, young adults are taught by their peers when in college, or on the "QT", after work or play. Is this a responsible way to provide the rules of social behavior? This proposed bill will create an entire new category of crime. Don't create new crimes – educate.

**Majority Amendment (0833h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Breach of Peace; Drug or Underage Alcohol House Party. Amend RSA 644 by inserting after section 17 the following new section:

644:18 Facilitating a Drug or Underage Alcohol House Party.

1. A person shall be guilty of a misdemeanor for facilitating a drug or underage alcohol house party if such person owns or has control of the occupied structure, dwelling, or curtilage, where a drug or underage alcohol house party is held and such person knowingly permits the occurrence of the party.

II. A person shall be guilty of a misdemeanor for facilitating a drug or underage alcohol house party if such person, with a purpose that a drug or underage alcohol house party occur, agrees with one or more persons to host such party at any occupied structure, dwelling, or curtilage, and an overt act in furtherance of the agreement is committed by any party to the agreement.

III. It is an affirmative defense to prosecution under this section if a person gives timely notice to a law enforcement official of the occurrence of the drug or underage alcohol house party or engages in other conduct designed to prevent the occurrence of such party, or takes action to terminate such party once underway, provided in so doing, that person exercises due care to ensure the safety of the party's participants.

IV. In this section, "drug or underage alcohol house party" means a gathering of 5 or more people under the age of 21 at any occupied structure, dwelling, or curtilage, where at least one person under the age of 21 unlawfully possesses or consumes an alcoholic beverage or controlled drug. "Occupied structure" has the same meaning as in RSA 635:1, and "dwelling" and "curtilage" have the same meaning as in RSA 627:9.

V. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities, or to those persons using a controlled drug under a physician's care where the use of the drug is consistent with the directions of a physician.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**HB 139**, establishing a committee to study the collection and reporting of school drop-out, suspension, and expulsion data. **OUGHT TO PASS WITH AMENDMENT**

Rep. Debra A. Naro for Education: This bill, as amended, ensures the uniformity and reliability of the State's student and school performance data system and clarifies the Department of Education's compliance enforcement authority with regard to this accountability issue. It further aligns the state system with federal reporting requirements. The committee believes accurate, complete, and reliable data on school drop out, suspension and expulsion is essential to school improvement initiatives and the objective evaluation of current educational practices, programming and policies. Vote 16-3.

#### Amendment (0849h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

Amend the bill by replacing all after the enacting clause with the following:

I Delivery of an Adequate Education; Reporting of Certain Data. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. By April 1, 2000, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators *in a uniform manner*. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. *The state board of education or the commissioner of the department of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks, for the purpose of enforcing the provisions of this section.*

(a) Performance indicators shall include the following areas:

(1) Attendance and *annual drop-out rates and cumulative drop-out rates of eighth graders who do not graduate from high school.*

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

*(5) Beginning December 1, 2004, and every year thereafter, expulsion and suspension rates, including in-house suspensions and partial day suspensions, which shall be reported for each school year.*

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

II. No later than December 1 *of each year*, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis *for all students for the previous school year, and beginning December 1, 2005, and every year thereafter, such data shall be disaggregated by the student subgroups specified in the No Child Left Behind Act of 2001*. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph I, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

2 Statistical Reports. RSA 189:28 is repealed and reenacted to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15.

II. The information needed to determine compliance with performance or accountability measures of the school district or city under RSA 193-E:3, or the No Child Left Behind Act of 2001, shall be submitted to the department of education in a timely manner as determined by the department of education. If the department of education requests verification of information submitted, the school district or city shall provide corrected information or verification within 10 business days of such request. A school district or city shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission. The state board of education shall have access to such records, data, and information for the purpose of verifying the accuracy of reported information.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district or city up to a 30-day extension of the reporting deadline set forth in paragraph I. The commissioner of the department of education shall notify the governing body of the school district or city that all state aid to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

3 Submission of Data. Amend RSA 198:45 is repealed and reenacted to read as follows:

198:45 Submission of Data. School boards of every school district or city, and the board of trustees of approved public academies shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.

4 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as follows:

198:4-f Penalty for Failure to File Report. A school district or city shall file the report due under RSA 198:4-d, III no later than September 1 of each year. For just cause, the commissioner of the department of education may grant a school district or city up to a 30-day extension to this reporting deadline. The commissioner may further extend the deadline when unusual or unforeseen circumstances prevent a school district or a city from submitting the required report before the expiration of the extension provided in this section. The commissioner shall notify the governing body of the school district or city that all state aid to education shall be withheld until complete and accurate information is submitted.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for school districts and cities to submit certain reports to the department of education.

Adopted.

Report adopted and ordered to third reading.

**HB 603-FN-L**, requiring school districts to reimburse a portion of per pupil costs directly to parents or legal guardians of pupils who do not attend a public school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Claire D. Clarke for the Majority of Education: The majority of the committee felt that this bill was less about choice and more about funding. We believe it would not have had the accountability the sponsor intended. There was a question of the bill's constitutionality and lastly, the committee retained a similar bill for further study. Vote 12-7.

Rep. Paul Ingbreton for the Minority of Education: The minority felt this bill offered a legitimate, effective solution to the education crisis in New Hampshire, both in the quality and cost of education. It will create accountability in public education and promote competition by giving parents or guardians some fiscal power over public schools. It also relieves the enormous pressure and costs involved in building new schools. It provides incentives for all schools to improve. It creates a market for entrepreneurs to open new schools. It overcomes constitutional issues. It puts parents back in control of their children's education and should be done now and not studied to death.

Reps. Scott and Campbell spoke against and yielded to questions.

Rep. Stephen L'Heureux spoke in favor.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 250 NAYS 112

YEAS 250

BELKNAP

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Fitzgerald, James
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John

CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Liebl, George	Manning, Joseph
Meadar, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Weed, Charles	

COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Eaton, Stephanie
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Barry, J Gail	Bergin, Peter
Bouchard, David	Buckley, Raymond	Carter, Mark	Chabot, Robert
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dokmo, Cynthia	Drisko, Richard

Emerton, Larry  
 Gargas, Carolyn  
 Greenberg, Gary  
 Hawkins, Ken  
 Jean, Claudette  
 Konys, Christine  
 L'Heureux, Robert  
 Malloy, Chris  
 Milligan, Robert  
 Pappas, Christopher  
 Ross, Lawrence  
 Spiess, Paul  
 Sweeney, Cynthia

Fields, Dennis  
 Gorman, Mary  
 Haley, Robert  
 Haytayan, Harry Jr  
 Johnson, Lionel  
 Kopka, Angeline  
 LaFlamme, Paul  
 McDonough-Wallace, Alice  
 Mosher, William  
 Pappas, Marc  
 Rowe, Robert  
 Sullivan, Francis  
 Tahir, Saghir

Fletcher, Richard  
 Goulet, Maurice  
 Hall, Charles  
 Irwin, Anne-Marie  
 Katsiantonis, Thomas  
 Kudalis, Debra  
 Lasky, Bette  
 Mercer, Robert  
 Movsesian, Lori  
 Pilotte, Maurice  
 Scanlon, Michael  
 Sullivan, Jeffrey  
 Vaillancourt, Steve

Ford, Nancy  
 Graham, John  
 Hallyburton, Margaret  
 Jasper, Shawn  
 Kerns, J Edward  
 Kurk, Neal  
 Leach, Edward  
 Messier, Irene  
 Palangas, Eric  
 Price, Pamela  
 Schulze, Joan  
 Sullivan, Peter  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Clarke, Claire  
 DeStefano, Stephen  
 Gile, Mary  
 Jacobson, Alf  
 Lockwood, Priscilla  
 McCormick, Tom  
 Perkins, Randy  
 Wallner, Mary Jane

Blanchard, Elizabeth  
 Colcord, J D  
 Dunne, Christopher  
 Hager, Elizabeth  
 Kenison, Leon  
 MacKay, James  
 Nutter, Edward  
 Potter, Frances

Bouchard, Candace  
 Davis, Frank  
 Fraser, Leo Jr  
 Hamm, Christine  
 L'Heureux, Stephen  
 Marple, Richard  
 Osborne, Jessie  
 Reed, Dennis

Brueggemann, Donald  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 Langer, Ray  
 Maxfield, Roy  
 Owen, Derek  
 Rush, Deanna

### ROCKINGHAM

Allen, Mary  
 Casey, Kimberley  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Gould, Kenneth  
 Ingram, Russell  
 Katsakiores, George  
 Langley, Jane  
 McCann, Richard  
 Noyes, Richard  
 Priestley, Anne  
 Roessner, Kurt  
 Stone, Joseph  
 Varrell, Thomas

Belanger, Ronald  
 Clark, Vivian  
 Dearborn, Bruce  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Introne, Robert  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Packard, Sherman  
 Putnam, Ed II  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Waterhouse, Kevin

Blanchard, MaryAnn  
 Coes, Betsy  
 Fesh, Bob  
 Gillick, Thomas  
 Headd, James  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 Moore, Benjamin  
 Pantelakos, Laura  
 Rausch, James  
 Smith, Donald  
 Tufts, J Arthur  
 Welch, David

Carson, Sharon  
 Cooney, Richard  
 Flanders, John Sr  
 Gleason, John  
 Holland, James Jr  
 Johnson, Rogers  
 Kobel, Rudolph  
 Major, Norman  
 Norelli, Terie  
 Pitts, Jacqueline  
 Robertson, Carl  
 Splaine, James  
 Vallone, Matthew

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Johnson, Nancy  
 Miller, Joseph  
 Schmidt, Peter  
 Taylor, Kathleen

Brown, Julie  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Vachon, Dennis

Callaghan, Frank  
 Heon, Richard  
 Keans, Sandra  
 Rollo, Deanna  
 Snyder, Clair  
 Wall, Janet

Cataldo, Sam  
 Hofemann, Roland  
 Knowles, William  
 Rous, Emma  
 Spang, Judith

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Leone, Richard

Cloutier, John  
 Harris, Joseph  
 Phinizy, James

Ferland, Brenda  
 Harris, Sandra  
 Rodeschin, Beverly

Flint, Gordon Sr  
 Jones, Constance

### NAYS 112

### BELKNAP

Ahern, Omer Jr  
 Wendelboe, Fran

Boyce, Laurie  
 Whalley, Michael

Clark, Charles

Lawton, David

**CARROLL**

Brown, Carolyn	Derby, Mark	Kenney, Bettie	McConkey, Mark
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**CHESHIRE**

Fish, Douglas	Hunt, John	Laurent, John
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**COOS**

Brady, Mark	Pratt, Leighton
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**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Brassard, Paul
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Cernota, Albert	Christensen, D L Chris	Christiansen, Lars
Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley	Elliott, Larry
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hansen, Ryan	Harrington, Paul	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Infantine, William	Laflamme, Charles	Lawrence, James
Lefebvre, Roland	Lessard, Rudy	Luebker, Bernard	McHugh, Claire
McRae, Karen	Mooney, Maureen	O'Brien, Lori	Ober, Russell III
Reeves, Sandra	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Wheeler, James			

**MERRIMACK**

Currier, David	Field, William	Foley, Albert	Kennedy, Richard
Leber, William	Ouellette, Robert		

**ROCKINGHAM**

Bicknell, Elbert	Bishop, Franklin	Cady, Harriet	Camm, Kevin
DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Flayhan, Mary Lou	Gilbert, Karl
Hamel, Albert	Hughes, Daniel	Itse, Daniel	Manning, John
McMahon, Charles	Morris, Richard	Quandt, Matthew	Smith, Paul
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Donovan, Thomas  
and the majority report was adopted.

**HB 801**, establishing a committee to study the implementation of effective student assistance programs in all schools. **INEXPEDIENT TO LEGISLATE**

Rep. John Alger for Education: After extensive discussion, on a third vote, the committee decided the work of the study committee would essentially be funding services of financial support beyond local school districts for the work of drug and alcohol counseling, which work seemed well defined in testimony. Therefore, the sponsors could move forward on a new bill for next session defining the work, sources of funding and plan of implementation without further committee study. Legislative research could surely be helpful in locating charitable and federal programs interested to help in this effort. Vote 12-7.

Adopted.



**HB 804**, establishing a committee to study the certification of New Hampshire public schools in accordance with International Organization of Standards 9001 guidelines. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: Although the implementation of ISO seemed very interesting, and the sponsor presented detailed information on the process, the majority of the committee agreed that a study could fall under the existing charter of the Education Oversight Committee and did not need an independent committee study. Vote 14-5.

Adopted.

**HB 257**, relative to nomination of political candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Lou Flayhan for Election Law: The committee believes that the voter's right of choice would be impinged at the primary level and freedom to choose your candidate no matter the party is an important voter's rights. Vote 10-8.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 250 NAYS 112

### YEAS 250

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Lawton, David
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Royce, H Charles	Smith, Edwin

#### COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Naro, Debra	Williams, Burton		

#### HILLSBOROUGH

Adams, Jarvis	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Balcom, John	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Gargaszy, Carolyn	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hagan, Barbara

Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Mosher, William  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

Hallyburton, Margaret  
Haytayan, Harry Jr  
Jasper, Shawn  
Laflamme, Charles  
Lessard, Rudy  
Mercer, Robert  
Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Hansen, Ryan  
Hinkle, Peyton  
Kerns, J Edward  
LaFlamme, Paul  
Luebker, Bernard  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Harrington, Paul  
Holden, Randolph  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, James

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

Blanchard, Elizabeth  
Field, William  
Hess, David  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Colcord, J D  
Foley, Albert  
Jacobson, Alf  
Langer, Ray  
Maxfield, Roy  
Reed, Dennis

Currier, David  
Fraser, Leo Jr  
Kenison, Leon  
Leber, William  
McCormick, Tom

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Quandt, Matthew  
Smith, Donald  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Clark, Vivian  
DiFruscia, Anthony  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
Moore, Benjamin  
Priestley, Anne  
Robertson, Carl  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Bishop, Franklin  
Cooney, Richard  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stritch, C Donald  
Welch, David  
Winchell, George

### STRAFFORD

Albert, Russell  
Brown, Julie  
Easson, Timothy  
Musler, George  
Twombly, James

Bemis, Alan  
Campbell, W Packy  
Harrington, Michael  
Newton, Clifford  
Woods, Phyllis

Berube, Roger  
Cataldo, Sam  
Hollinger, Jeffrey  
Scott, David

Bickford, David  
Dunlap, Patricia  
Keans, Sandra  
Taylor, Kathleen

### SULLIVAN

Ferland, Brenda

Flint, Gordon Sr

Jones, Constance

Rodeschin, Beverly

### NAYS 112 BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, Irene  
Slack, Pamela

Batchelder, Robert  
Meader, David  
Pratt, John  
Weed, Charles

Dunn, James  
Mitchell, McKim  
Richardson, Barbara

Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

**COOS**

Mears, Edgar	Poulin, Richard	Theberge, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Hammond, Lee	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	

**HILLSBOROUGH**

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dionne, Kimberley	Gorman, Mary	Haley, Robert	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Lefebvre, Roland	Malloy, Chris	McDonough-Wallace, Alice	Mooney, Maureen
Movsesian, Lori	O'Brien, Lori	Palangas, Eric	Pappas, Christopher
Pilote, Maurice	Schulze, Joan	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia			

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Lockwood, Priscilla	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Rush, Deanna	Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Langone, John
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth
Spaine, James	Vallone, Matthew		

**STRAFFORD**

Callaghan, Frank	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Knowles, William	Miller, Joseph
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Franklin, Peter
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James

and the report was adopted.

**HB 306**, relative to the procedure for determining the order of names on the general election ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark S. Derby for the Majority of Election Law: This legislation would change the manner in which candidates are listed on the general election ballot. The only evidence presented by the sponsors in favor of this legislation was a study by a Professor Krosnick suggesting that ballot placement confers an automatic advantage upon candidates. The Krosnick study was deeply flawed both in its statistical conclusions and assumptions about voter behavior. Professor Krosnick seems to suggest that ballot placement is more important to voters than things such as candidate qualifications, a candidate's stand on the issues, party affiliation and so forth. This is not so. In addition, the great weight of authority cited in the Krosnick study suggests that a challenge to RSA 656:5 as it now reads would be unsuccessful. The majority also believes that RSA 656:5, as it now stands, is a great convenience to the voter, to the extent that it allows a voter who wants to split his or her ticket in one or more races, but then identify and select candidates of his or her party on the rest of the ballot in the other races. The committee has retained HB 176, which would bring back the "Indiana" style ballot in which candidates are listed in columns according to party, rather than office by office. If the committee is satisfied that Help America Vote Act (HAVA) funds are available to make sure that appropriate ballot scanners are available, HB 306 would be moot. Vote 12-6.

Rep. Charles F. Weed for the Minority of Election Law: The minority believes that elections should be free and fair and that democracy requires a level playing field. Careful juried research has found that in 170 two-candidate races, the advantage goes to the first listed by 1.4 to 6.3%. In races with more than two candidates, an advantage of 1.36% accrues to the first listed. In the California presidential contest, where half of the ballots listed George Bush first and half listed Al Gore first, up to 9.4% points advantage went to the first listed. Random selection of the letter of the alphabet that begins the ballot list would remove this distorting structural advantage.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 255 NAYS 108

### YEAS 255

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Lawton, David
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Royce, H Charles	Smith, Edwin	

#### COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Naro, Debra	Williams, Burton		

#### HILLSBOROUGH

Adams, Jarvis	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Balcom, John	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Infantine, William	Jasper, Shawn
Johnson, Lionel	Kerns, J Edward	Kurk, Neal	L'Heureux, Robert
Laflamme, Charles	LaFlamme, Paul	Lawrence, James	Leach, Edward
Lessard, Rudy	Luebke, Bernard	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mooney, Maureen

Mosher, William  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, James

O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom

Blanchard, Elizabeth  
Field, William  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

Colcord, J D  
Foley, Albert  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Ouellette, Robert

Currier, David  
Fraser, Leo Jr  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Cady, Harriet  
Cooney, Richard  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
Moore, Benjamin  
Priestley, Anne  
Robertson, Carl  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Morris, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stritch, C Donald  
Welch, David  
Winchell, George

Bicknell, Elbert  
Carson, Sharon  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Quandt, Matthew  
Smith, Donald  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Brown, Julie  
Easson, Timothy  
Newton, Clifford

Bemis, Alan  
Campbell, W Packy  
Harrington, Michael  
Scott, David

Berube, Roger  
Cataldo, Sam  
Hollinger, Jeffrey  
Twombly, James

Bickford, David  
Dunlap, Patricia  
Musler, George  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 108

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Dunn, James  
Meador, David  
Pratt, John  
Weed, Charles

Eaton, Daniel  
Mitchell, McKim  
Richardson, Barbara

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Hammond, Lee	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	

**HILLSBOROUGH**

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Gorman, Mary	Haley, Robert	Irwin, Anne-Marie	Jean, Claudette
Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Lasky, Bette	Lefebvre, Roland	Malloy, Chris	McDonough-Wallace, Alice
Movsesian, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Schulze, Joan	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Rush, Deanna	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Shults, Elizabeth	Splaine, James
Vallone, Matthew			

**STRAFFORD**

Callaghan, Frank	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the majority report was adopted.

**HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for the Majority of Election Law: This bill was a result of a study committee's work to clarify the meaning of the word "domicile" for voting purposes. At subcommittee sessions the secretary of state's office and the attorney general's office recommended that penalties be increased and that this legislation was an opportunity to clarify other sections of the election laws. The amendment brings the original bill into compliance with the requirements of the Help America Vote Act (HAVA). Vote 13-6.

Rep. Raymond Buckley for the Minority of Election Law: This bill, as amended, is nothing more than the Voter Intimidation Act of 2003. The minority believes that discouraging eligible Americans from exercising their right to vote is wrong, especially during this time of war.

**Majority Amendment (0694h)**

Amend the bill by replacing section 1 with the following:

1 County Attorneys: Election, Vacancies. Amend RSA 7:33 to read as follows:

7:33 Election; Vacancies. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the [inhabitants] voters of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his *or her* services as they think reasonable.

Amend the bill by replacing section 3 with the following:

3 Powers and Duties of Towns; Emergency Borrowing; Method. Amend RSA 31:11 to read as follows:

31:11 Method. The power may be exercised in cities by a 2/3 vote of the city councils. It may be exercised by the selectmen of towns and the governing boards of districts without vote of the [inhabitants] voters in town or district meeting. Provided, that no sum in excess of \$100,000 shall be so borrowed without vote of the city, town, or district.

Amend the bill by replacing sections 6 and 7 with the following:

6 Cities and Wards; General Elections. Amend RSA 44:7 to read as follows:

44:7 General Elections. All meetings of the [inhabitants] voters for the election of county, state, or United States officers, who are voted for by the people, shall be held in their respective wards at the time legally appointed for those elections respectively.

7 Cities and Wards; Local Elections; Times. Amend RSA 44:11 to read as follows:

44:11 Times. The meeting of the [inhabitants] voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

Amend RSA 52:4, I as inserted by section 16 of the bill by replacing it with the following:

I. No village district shall raise or appropriate money, or reduce or rescind any appropriation of money previously authorized, at any special meeting of the [inhabitants] voters thereof except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of legal voters of such district at the regular meeting next preceding such special meeting; and if a checklist was used at the last preceding regular meeting the same shall be used to ascertain the number of legal voters in the district; and such checklist, corrected according to law, shall be used at such special meeting upon request of 10 legal voters. In case of an emergency arising in a district for which immediate expenditure of money is necessary, the district through its commissioners may appeal to the superior court for permission to hold a special district meeting which, if granted, shall give said meeting the same authority as the annual district meeting.

Amend the bill by replacing section 22 with the following:

22 Elected for 2-Year Term; County Commissioners. Amend RSA 653:1, VI, (d)-(i) to read as follows:

(d) Cheshire county—one county commissioner by the voters in each county commissioner district; provided that, at the 1980 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the [inhabitants] voters of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1980 state general election, the 4-year term shall be rotated in sequence starting with district 3.

(e) Sullivan county—one county commissioner from each county commissioner district by all the voters of the county; provided that, at the 1990 state general election, the commissioner from district 1 shall be elected to a 4-year term and the commissioners from districts 2 and 3 shall each be elected to a 2-year term. At each subsequent state general election, 2 commissioners whose terms are expiring shall be elected by all the voters of the county; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1990 state general election, the 4-year term shall be rotated in sequence starting with district 2.

(f) Belknap county—one county commissioner by the voters in each county commissioner district; provided that, at the 1992 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term, and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the [inhabitants] voters of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1992 state general election, the 4-year term shall be rotated in sequence starting with district 3.

(g) Rockingham county—one county commissioner by the voters in each county commissioner district; provided that, at the 1992 state general election, the commissioner from district 1 shall be elected to a 4-year term and the commissioners from districts 2 and 3 shall be elected to 2-year terms. At each subsequent state general election, 2 commissioners shall be chosen in the county by the ~~[inhabitants]~~ voters of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1992 state general election, the 4-year term shall be rotated in sequence starting with district 2.

(h) Merrimack county—one county commissioner by the voters in each county commissioner district in the county; provided that, at the 1996 state general election, the commissioner from district 1 shall be elected to a 4-year term and the commissioners from districts 2 and 3 shall be elected to 2-year terms. At each subsequent state general election, 2 commissioners shall be chosen in the county by the ~~[inhabitants]~~ voters of the districts in the county in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1996 state general election, the 4-year term shall be rotated in sequence starting with district 2.

(i) Coos county—one county commissioner by the voters in each county commissioner district; provided that, at the 1996 state general election, the commissioner from district 3 shall be elected to a 4-year term and the commissioners from districts 1 and 2 shall be elected to 2-year terms. At each subsequent state general election, 2 commissioners shall be chosen in the county by the ~~[inhabitants]~~ voters of the districts in the county in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1996 state general election, the 4-year term shall be rotated in sequence starting with district 1. Amend the bill by replacing sections 25 and 26 with the following:

25 Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be ~~[4]~~ **no larger than** inches by ~~[6]~~ **11** inches ~~[and shall be made in triplicate]~~. The secretary of state shall ~~[provide for the preparation]~~ **prescribe the form** of the voter registration ~~[form]~~ **card**, which shall be in substantially the following form:

Date \_\_\_\_\_

VOTER REGISTRATION CARD

(Please print or type)

1. Name \_\_\_\_\_

Last (suffix)

First

Full Middle [Initial] Name

2. Address \_\_\_\_\_

Street

Ward Number

Town or City

Zip Code

3. Mailing Address if \_\_\_\_\_

different than in 2

Street

Ward Number

Town or City

Zip Code

4. Place and Date of Birth \_\_\_\_\_

Town or City

Date

State

5. If a naturalized citizen, give name of court where and date when naturalized Date \_\_\_\_\_

6. Place last registered to vote Date \_\_\_\_\_

Town or City

Street

Ward Number



7. Name under which previously registered, if different from above \_\_\_\_\_  
 8. Party Affiliation (if any) \_\_\_\_\_  
 [I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address, that I am a United States citizen, that I will be 18 years of age or older on election day, and that the information above is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 (Signature of Applicant)}

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_  
 If you do not have a valid driver's license, provide the last four digits of your social security number \_\_\_\_\_  
 My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

*I understand that to vote in this city/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.*

*I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I am domiciled in another state or city/town, I may be entitled to vote in elections held within that state or city/town by absentee ballot.*

*In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.*

*In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.*

*If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.*

*I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town on this day, and, if registering on election day, that I have not voted and will not vote at any other polling place this election."*

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

26 Registering at the Polling Place; Election Day Registration. Amend RSA 654:7-a, II to read as follows:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant may be required to produce appropriate proof of qualifications as provided in RSA 654:12. ~~[The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state, and which shall contain the following written oath or affirmation:~~

*"I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place this election."*

\_\_\_\_\_  
 (Signature of Applicant)}

Amend the bill by replacing sections 29-31 with the following:

29 Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

1. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, may require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate,

passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: \_\_\_\_\_

CITIZENSHIP AFFIDAVIT

Name: \_\_\_\_\_

Name at birth if different: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Date and Place of Naturalization: \_\_\_\_\_

[I swear and affirm that I am a United States citizen:

I further swear or affirm, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.]

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am a United States citizen and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
(Signature of applicant)

[The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.]

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

*On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.*

\_\_\_\_\_  
*Notary Public/Justice of the Peace/Official Authorized by RSA 659:30*

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, ~~[for an indefinite period]~~ *as defined in this chapter, in the town, city or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit [declaring that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote.] in the following form:*

DOMICILE AFFIDAVIT

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Current Domicile Address: \_\_\_\_\_

_____	Street	Ward Number
_____	Town or City	Zip Code
Date when current domicile was established: Month: _____ Year: _____		
Place and date of birth: _____		
Address of last previous domicile: _____		
_____	Street	Ward Number
_____	Town or City	Zip Code

*I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established domicile is at the current domicile address I have entered above and that to the best of my knowledge and belief the information above is true and correct.*

*(Signature of applicant)*

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

*On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.*

*Notary Public/Justice of the  
Peace/Official Authorized by RSA 659:30*

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. *Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:*

*(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:*

*(1) New Hampshire driver's license.*

*(2) New Hampshire vehicle registration.*

*(3) Armed services identification, or other photo identification issued by the United States government.*

*(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a citizenship, domicile, or election day affidavit:*

*(1) Photo driver's license issued by any state or the federal government.*

*(2) United States passport, armed services identification, or other photo identification issued by the United States government.*

*(3) Photo identification issued by local or state government, hospital, educational institution, or similar institution.*

*The address shown on the document need not match the address the applicant is claiming as a domicile. If the identification document is not currently valid, it must have sufficient characteristics of validity to establish that it is more likely than not that the applicant is the person he or she is claiming to be.*

*(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.*

30 Absentee Registration Affidavit. Amend RSA 654:17 to read as follows:

654:17 Absentee Registration Affidavit.

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit (Absence from town)

I, \_\_\_\_\_ do hereby swear or affirm, under [~~penalty of perjury~~] *the penalties for voting fraud set forth below*, the following:

1) [~~(a)~~] That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, [~~+9~~] \_\_\_\_\_ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

[~~(b)~~] That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check);

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in \_\_\_\_\_ (city and state or city, province, and country);

**4) That I hereby enclose one of the following as proof of identity and domicile:**

(a) A copy of a current and valid photo identification; or

**(b) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;**

**5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and**

[4] 6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability)

I, \_\_\_\_\_ do hereby swear or affirm, under [~~penalty of perjury~~] **the penalties for voting fraud set forth below**, the following:

1)[~~1~~] That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on \_\_\_\_\_, [~~19~~] \_\_\_\_\_ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

~~[(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check);]~~

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

**3) That I hereby enclose one of the following as proof of identity and domicile:**

(a) A copy of a current and valid photo identification; or

**(b) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;**

**4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and**

[3] 5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

II. There shall be printed below each of the foregoing affidavits the following affirmation:  
Affirmation

I, \_\_\_\_\_, the undersigned witness, do hereby swear or affirm, under [~~penalty of perjury~~] **the penalties for voting fraud set forth below**, that on the \_\_\_\_\_ day of \_\_\_\_\_, [~~19~~] \_\_\_\_\_ (date), the above named, \_\_\_\_\_, having satisfied me as to his or her identity, signed the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

\_\_\_\_\_  
Signature of Witness

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

31 Overseas Citizens Voting; Affidavit. Amend RSA 654:20 to read as follows:

654:20 Affidavit. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he *or she* is domiciled [~~in Canada or Mexico or in any other country~~] outside the [~~continental~~] United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

**Affidavit**

1, \_\_\_\_\_, do hereby swear or affirm, under [~~penalty of perjury~~] *the penalties for voting fraud set forth below*, the following:

1) That I am a United States citizen;

2) That I have been domiciled in Canada or Mexico or any other country outside the continental United States since \_\_\_\_\_;  
(month) (year)

3) That I hold a valid passport or card of identity with Registration No. \_\_\_\_\_ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

\_\_\_\_\_  
Street and Number or Rural Route, etc.

\_\_\_\_\_  
City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state;

6) That I do NOT maintain a domicile, am NOT registered to vote and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is \_\_\_\_\_

8) That my permanent address outside the continental United States is:

\_\_\_\_\_  
Street or Route Number

\_\_\_\_\_  
City, Province, County

9) That I hereby make application for the addition of my name to the checklist of \_\_\_\_\_, New Hampshire, as an overseas citizen living outside the continental United States entitled to vote in any federal election held therein.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by replacing section 34 with the following:

34 Nomination by Primary; Form. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of \_\_\_\_\_ ss.

City (Town) of \_\_\_\_\_

I do hereby join in a petition for the printing on the primary ballot of the name of \_\_\_\_\_ whose domicile is in the city (town) of \_\_\_\_\_ (ward, street, and number, if in a city), in the county of \_\_\_\_\_, for the office of \_\_\_\_\_ to be voted for on Tuesday, the \_\_\_\_\_ day of September, [19]\_\_\_\_\_ (year), and certify that

I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of \_\_\_\_\_ (ward, street, and number, if in a city), in the county of \_\_\_\_\_. I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he or she is not a federal employee which makes him or her ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, that the information above is true and correct to the best of my knowledge and belief.

---

Print Voter's name

---

Voter's Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by replacing sections 37-39 with the following:

37 Absence, Religious Observance, and Disability. Amend RSA 657:7, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he **or she** is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

38 Overseas Voting. Amend RSA 657:8 to read as follows:

657:8 Overseas Voting. Prior to any federal election, the secretary of state shall prepare the following forms in such quantity as he **or she** deems necessary:

I. Overseas citizens federal election absentee ballots as provided in RSA 656:34 for citizens who are domiciled ~~[in Canada or Mexico or in any country]~~ outside the ~~[continental]~~ United States.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

## (a) For Voters Who Are Registered.

Overseas Citizen. A person desiring to vote by overseas citizens federal election absentee ballot who is a registered voter in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a duly qualified overseas citizen voter registered as such in the city or town of \_\_\_\_\_, New Hampshire; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the overseas citizens federal election ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person desiring to vote by overseas citizens federal election absentee ballot who is not registered as such in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below** that I am a qualified federal overseas voter, that I am at least 18 years of age and a citizen of the United States; and that my last domicile within the United States was in New Hampshire at the following address:

street and number \_\_\_\_\_

city or town \_\_\_\_\_

I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

### III. Other forms as provided for in RSA 657:7, III, IV and V.

#### 39 Armed Services Voting. Amend RSA 657:9, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) For Voters Who Are Registered. A person voting by armed services absentee ballot who is a registered voter in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person voting by armed services absentee ballot who is not registered in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below** that I am a qualified armed services voter under the laws of the state of New Hampshire, that I am at least 18 years of age and a citizen of the United States; and that, immediately prior to my service, my domicile was in New Hampshire at the following address:

street and number \_\_\_\_\_  
 city or town \_\_\_\_\_

I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
 Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by replacing section 44 with the following:

44 Constitutional Conventions; Declaration of Candidacy. Amend RSA 667:10 to read as follows:

667:10 Declaration of Candidacy. On or before the closing date for filing declarations of candidacy with the town or city clerk as provided by RSA 667:8, any candidate for delegate shall file with the town or city clerk a declaration of candidacy in substantially the following form, which shall be prepared and furnished by the secretary of state:

I, \_\_\_\_\_, candidate for office of delegate to the constitutional convention from District No. \_\_\_\_\_ of \_\_\_\_\_ county hereby certify that I am at least 18 years of age; that I am domiciled in ward \_\_\_\_\_ of the city of \_\_\_\_\_ (or town or unincorporated place of \_\_\_\_\_) county of \_\_\_\_\_ state of New Hampshire; that I am a qualified voter [~~therein and at the present time am an inhabitant of~~] in District No. \_\_\_\_\_ of \_\_\_\_\_ county.

Amend the bill by replacing all after section 47 with the following:

48 Town Elections; Absentee Ballot Forms. Amend RSA 669:27, III to read as follows:

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he *or she* is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties [~~of perjury~~] *for voting fraud set forth below*, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties [~~of perjury~~] *for voting fraud set forth below*, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

49 Election Officer. Amend RSA 652:14 to read as follows:

652:14 Election Officer. "Election officer" shall mean any moderator, *deputy moderator, assistant moderator*, town clerk, *deputy town clerk, city clerk, deputy city clerk*, selectman, supervisor of the checklist, *registrar, deputy registrar*, or inspector of election.



50 Voting Rights of Overseas Citizens. Amend RSA 654:3 to read as follows:

654:3 Voting Rights of Overseas Citizens. Notwithstanding any other provision of law to the contrary, any United States citizen being at least 18 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire, who is domiciled [~~in Canada or Mexico or in any other country~~] outside the [~~continental~~] United States, shall have the right to register absentee to vote in any federal election in the town or city in New Hampshire in which he *or she* had his *or her* domicile immediately prior to his *or her* departure from the United States, even though he *or she* no longer maintains domicile in said town or city and even though his *or her* intent to return thereto is uncertain, provided:

I. He *or she* complies with all other applicable requirements and qualifications of the state of New Hampshire; and

II. He *or she* is not domiciled and is not registered to vote in any other state or election district of a state or in any territory or possession of the United States; and

III. He *or she* has a valid passport or card of identity issued under the authority of the Secretary of State of the United States.

51 General Voter Registration; Forms to be Forwarded. Amend RSA 654:9 to read as follows:

654:9 Forms to be Forwarded. The provisions of this section shall apply in all cities and in all towns. The town or city clerk shall present to the next meeting of the supervisors of the checklist the [~~triplicate~~] voter registration forms of all persons making application to [~~him~~] *the clerk* since the previous meeting of said supervisors.

52 General Voter Registration; Action by Supervisors. Amend RSA 654:13, I to read as follows:

I. If the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the [~~triplicate~~] registration form for their own file, forward one copy to the supervisors of the checklist of the city or town of the applicant's last voting address if said address is in the state of New Hampshire, Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of their town or city.

53 Overseas Citizens Voting; Effect. Amend RSA 654:23 to read as follows:

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the applicant does not qualify as an overseas voter in the city or town as provided in RSA 654:3, domiciled [~~in Canada or Mexico or in any other country~~] outside the [~~continental~~] United States, they shall, at their next session for the correction of the checklist subsequent to their receipt of such affidavit properly executed, cause his *or her* name to be added to the checklist together with a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, such person shall be entitled to vote by overseas citizens absentee ballot at both federal primary and general elections. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial.

54 New Section; Right to Know Exemption. Amend RSA 654 by inserting after section 31 the following new section:

654:31-A Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration card, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration card, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

55 Absentee Voting; Refusal to Certify, Procedure. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he *or she* refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. *The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The*

*applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the return envelope that contains the absentee ballot affidavit envelope. The town or city clerk shall mark the exterior of the absentee ballot affidavit envelope with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, he or she shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked and preserved in the manner set forth by law for successfully challenged absentee ballots. The clerk shall preserve the application of any applicant who is not registered as a voter until the time [is] set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.*

56 Procedure for Armed Services and Federal Overseas Citizen Voting; Sending Ballots. Amend RSA 657:19 to read as follows:

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot or an overseas citizens federal election absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist, *and if the applicant requests that the application be considered an application for an absentee ballot for each subsequent election for federal office through the next 2 regularly scheduled general elections, including primaries, for federal office, the town or city clerk shall provide an absentee ballot to the applicant for each such subsequent election.* Whenever an armed services voter or overseas citizen federal voter requests a state general election ballot prior to October 1 to be mailed to an address [~~in Canada or Mexico or in any other country~~] outside of the [~~continental~~] United States, he or she shall be sent the same ballot as provided in RSA 656:34. *No town or city clerk shall refuse to accept or process an otherwise valid voter registration application or absentee ballot application submitted by an absent armed services voter or federal overseas citizen voter on the grounds that the application was submitted before the first date on which the state otherwise accepts or processes such applications for that election submitted by absentee voters. A town or city clerk who does not certify a voter registration application or absentee ballot application shall provide the absent armed services voter or federal overseas citizen voter the reason for not certifying a voter registration application or an absentee ballot application.*

57 Federal Post Card Application. Amend RSA 657:19-a to read as follows:

657:19-a Federal Post Card Application. An armed services voter or federal overseas citizen voter who is domiciled [~~in Canada or Mexico or in any other country~~] outside the [~~continental~~] United States qualified to vote in New Hampshire may request an absentee ballot by completing a federal post card application form provided by the United States government, and sending it to the town or city clerk of his or her last domicile. The applicant may request an absentee ballot for all elections in which he or she is qualified to cast a ballot during the calendar year.

58 New Section; Voting Procedure; Hours of Polling Extended by Order. Amend RSA 659 by inserting after section 26 the following new section:

659:26-a Hours of Polling Extended by Order. In any federal election where hours of polling are extended by a federal or state court order or other order, the moderator or his or her designee shall mark all ballots cast during the extended hours of polling "EH." These extended hours ballots shall be counted in the usual manner, but shall be separated and held apart from other ballots when stored.

59 Election Procedure; Challenges; Affidavit. Amend RSA 659:30 to read as follows:

659:30 [~~False~~] Affidavit. The affidavit of a challenged voter, *a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes* may be sworn before any person authorized by law to administer oaths or before [~~the moderator, town clerk or any one of the selectmen or supervisors of the checklist. Any person who shall swear falsely in making such affidavit shall be deemed guilty of perjury and shall be punished accordingly~~] *any election officer.*

60 Preservation of Absentee Voting Materials, Citizenship Affidavits, and Domicile Affidavits. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, *Election Day Affidavits, and Domicile Affidavits*. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, *and the citizenship affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official* [shall] *may* be preserved in the same manner [as provided in RSA 659:95-100 for the preservation of official state election] *that ballots are preserved and may be destroyed one year after the first state general election at which the individual may vote.*

61 Effective Date. This act shall take effect September 1, 2003.

Majority amendment adopted.

Rep. Stritch offered a floor amendment (0946h).

### Floor Amendment (0946h)

Amend the bill by replacing section 26 with the following:

26 Registering at the Polling Place; Election Day Registration. Amend RSA 654:7-a, II to read as follows:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant [may] *shall* be required to produce appropriate proof of qualifications as provided in RSA 654:12. ~~[The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state, and which shall contain the following written oath or affirmation:~~

~~"I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place this election."~~

---

(Signature of Applicant)

Amend the introductory paragraph of RSA 654:12, I as inserted by section 29 of the bill by replacing it with the following:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, [may] *shall* require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

Amend the bill by inserting after section 60 the following and renumbering the original section 61 to read as 62:

61 Voter Registration in Cities; Proof of Identification and Residence. Amend RSA 654:8-a, I to read as follows:

I. Any qualified voter in a city whose name does not appear on the checklist where registration is required because the voter's voting residence has changed from one ward in the city to another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk [may] *shall* require the voter to provide acceptable proof of identification and acceptable proof of residence.

Floor amendment (0946h) adopted.

The question being adoption of the amended majority report.

Reps. Weed and Clemons spoke against.

Rep. Drisko spoke in favor and yielded to questions.

Rep. Stritch spoke in favor.

Rep. Clemons requested a roll call; sufficiently seconded.

The question being adoption of the amended majority report.

**YEAS 255 NAYS 109**

**YEAS 255**

**BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Nedeau, Stephen  
Wendelboe, Fran

Allen, Janet  
Dewhirst, Glenn  
Pilliod, James  
Whalley, Michael

Bartlett, Gordon  
Fitzgerald, James  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

**CHESHIRE**

Dexter, Judson  
Liebl, George

Fish, Douglas  
Manning, Joseph

Hunt, John  
Royce, H Charles

Laurent, John  
Smith, Edwin

**COOS**

Brady, Mark  
Stohl, Eric

King, Frederick

Pratt, Leighton

Richardson, Herbert

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Naro, Debra

Alger, John  
Eaton, Stephanie  
Ham, Bonnie  
Williams, Burton

Barker, Robert  
Gilman, G Michael  
Ingbreton, Paul

Dorsett, Andrew  
Gionet, Edmond  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Balcom, John  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carter, Mark  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
Kerns, J Edward  
LaFlamme, Paul  
Luebkert, Bernard  
Messier, Irene  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

Arnold, Thomas Jr  
Barry, J Gail  
Bergin, Peter  
Cail, Kenneth  
Cernota, Albert  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gibson, John  
Graham, John  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Infantine, William  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Carlson, Donald  
Chabot, Robert  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Balboni, Michael  
Beaton, William  
Brundige, Robert  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hagan, Barbara  
Harrington, Paul  
Holden, Randolph  
Johnson, Lionel  
Laflamme, Charles  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom

Blanchard, Elizabeth  
Field, William  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

Colcord, J D  
Foley, Albert  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Ouellette, Robert

Currier, David  
Fraser, Leo Jr  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Cady, Harriet  
Cooney, Richard  
Dodge, Robert

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Doyle, Christopher

Bicknell, Elbert  
Carson, Sharon  
Dearborn, Bruce  
Duffy, James

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Dumaine, Dudley

Dupuis, Roland  
 Francoeur, Sheila  
 Gleason, John  
 Headd, James  
 Ingram, Russell  
 Johnson, Rogers  
 Kobel, Rudolph  
 Major, Norman  
 McMahon, Charles  
 Packard, Sherman  
 Rausch, James  
 Smith, Paul  
 Varrell, Thomas  
 Weyler, Kenneth

Fesh, Bob  
 Gilbert, Jeffrey  
 Gould, Kenneth  
 Holland, James Jr  
 Introne, Robert  
 Katsakiores, George  
 Langley, Jane  
 Manning, John  
 Moore, Benjamin  
 Priestley, Anne  
 Roessner, Kurt  
 Stone, Joseph  
 Waterhouse, Kevin  
 Wiley, Robert

Flanders, John Sr  
 Gilbert, Karl  
 Griffin, Mary  
 Hughes, Daniel  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Langone, John  
 McCann, Richard  
 Morris, Richard  
 Putnam, Ed II  
 Ruffner, Walter  
 Stritch, C Donald  
 Welch, David  
 Winchell, George

Flayhan, Mary Lou  
 Gillick, Thomas  
 Hamel, Albert  
 Hutchinson, Karen  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 McKinney, Betsy  
 Noyes, Richard  
 Quandt, Matthew  
 Smith, Donald  
 Tufts, J Arthur  
 Weldy, Norman Jr  
 Zolla, William

### STRAFFORD

Albert, Russell  
 Callaghan, Frank  
 Easson, Timothy  
 Newton, Clifford

Bemis, Alan  
 Campbell, W Packy  
 Harrington, Michael  
 Scott, David

Bickford, David  
 Cataldo, Sam  
 Hollinger, Jeffrey  
 Twombly, James

Brown, Julie  
 Dunlap, Patricia  
 Musler, George  
 Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 109

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
 Espiefs, Peter  
 Pratt, Irene  
 Slack, Pamela

Batchelder, Robert  
 Meader, David  
 Pratt, John  
 Weed, Charles

Dunn, James  
 Mitchell, McKim  
 Richardson, Barbara

Eaton, Daniel  
 Parkhurst, Henry  
 Robertson, Timothy

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

### GRAFTON

Almy, Susan  
 Densmore, Edward  
 Scovner, Nancy

Benn, Bernard  
 Diamond, Estelle  
 Sokol, Hilda

Bleyler, Ruth  
 Hammond, Lee  
 Solomon, Peter

Cooney, Mary  
 Nordgren, Sharon

### HILLSBOROUGH

Baroody, Benjamin  
 Clayton, William  
 Craig, James  
 Jean, Claudette  
 Kudalis, Debra  
 McDonough-Wallace, Alice  
 Pilotte, Maurice  
 Sweeney, Cynthia

Brassard, Paul  
 Clemons, Jane  
 Gorman, Mary  
 Katsiantonis, Thomas  
 Lasky, Bette  
 Movsesian, Lori  
 Schulze, Joan

Buckley, Raymond  
 Cote, David  
 Haley, Robert  
 Konys, Christine  
 Lefebvre, Roland  
 Palangas, Eric  
 Sullivan, Francis

Buhlman, David  
 Cote, Peter  
 Irwin, Anne-Marie  
 Kopka, Angeline  
 Malloy, Chris  
 Pappas, Christopher  
 Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
 DeJoie, John  
 Hamm, Christine  
 Potter, Frances

Brueggemann, Donald  
 DeStefano, Stephen  
 Osborne, Jessie  
 Rush, Deanna

Clarke, Claire  
 French, Barbara  
 Owen, Derek  
 Wallner, Mary Jane

Davis, Frank  
 Gile, Mary  
 Perkins, Randy

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

**STRAFFORD**

Berube, Roger	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the amended majority report was adopted.  
Ordered to third reading.

**HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. David N. Scott for Environment and Agriculture: This bill defines "protected domestic animals" and allows any person to kill an aggressive or vicious dog under certain circumstances. Vote 17-0.

**Amendment (0816h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Remedy and Penalties for Injuries Done by Dogs; Killing Dogs Legalized. Amend RSA 466:28 to read as follows:

466:28 Killing Dogs Legalized. Any person may kill a dog that suddenly assaults [the] a person while such person is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding, or killing sheep, lambs, fowl, or other domestic animals, *provided that such sheep, lambs, fowl, or other domestic animals are on the property of their owner.*

2 Effective Date. This act shall take effect January 1, 2004.

**AMENDED ANALYSIS**

This bill provides for the legalized killing of dogs who wound or kill certain domestic animals provided such domestic animals are on the property of their owner.

Adopted.

Report adopted and ordered to third reading.

**HB 367**, relative to cats and dogs. **INEXPEDIENT TO LEGISLATE**

Rep. Derek Owen for Environment and Agriculture: This bill would put an undue burden on non-profit animal shelters. Applications for current health certificates are difficult to enforce for certain domestic animals. The bill offers no advantage to the current system. Vote 15-2.

Adopted.

**HB 593-FN-L**, relative to solid waste facilities in small towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: The proposed legislation, as amended, will exempt towns with a population of 5000 or fewer people from cleaning up a closed public solid waste facility as long as the closed public solid waste facility is properly monitored, the monitoring shows no damage, pollution, or other adverse impact on the surrounding environment, and a "closure plan" is filed with the New Hampshire Department of Environmental Services. A town which complies with these requirements shall not lose its grant funding under RSA 149-M, dealing with solid waste management. Vote 18-0.

**Amendment (0653h)**

Amend RSA 149-M:9, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII.(a) No permit issued by the department to a town with a population of 5000 persons or fewer shall require the town to clean up a closed public facility if the town:

(1) Monitors the closed facility in accordance with requirements established in RSA 485-C and RSA 149-M and rules adopted by the department.

(2) Continues to show, through monitoring devices, that the closed facility is having no adverse impact on the environment.

(3) Has filed a closure plan with the department by June 30 of the calendar year in which the facility is scheduled to close.

(b) A town which complies with the requirements of subparagraph (a) shall not lose its grant funding under this chapter.

### AMENDED ANALYSIS

This bill exempts towns with a population of 5,000 or fewer from cleaning up a closed public solid waste facility as long as it is monitored, the monitoring shows that it has no adverse impact on the environment, a closure plan is filed with the department. A town which complies with these requirements shall not lose its grant funding under RSA 149-M.

Adopted.

Report adopted and ordered to third reading.

**HB 599-FN-L**, relative to hazardous waste liability. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: With this bill no municipality, solid waste district, or regional planning commission would have any liability for release or threat of release of hazardous waste. The committee found that there have been no problems in recent years and believe that limited liability increases careful handling. Vote 13-2.

Adopted.

The House recessed at 12:20 p.m.

### RECESS

**(Speaker Chandler in the Chair)**

The House reconvened at 1:15 p.m.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 517.

Rep. Currier, Sen. D'Allesandro for the Committee

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 154, 166, 212, and 215 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 154**, relative to landlord access to rental properties. (Judiciary)

**SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers. (Education)

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers. (Executive Departments and Administration)

**SB 215-FN**, relative to the use of prerecorded telephone messages for political advocacy. (Election Law)

### REGULAR CALENDAR (CONT'D)

**HB 302-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The original bill would have amended RSA 100-A to grant a portion of the employees on disability certain benefits not available to all disabled employees in the system. The committee considered this to be unfair. In addi-

tion, the bill would be quite expensive if it considered all disabled employees. The committee amended the bill to provide safeguards for all employees in the retirement system covered by RSA 100-A in the following manner. As of July 1, 2003, the special accounts, which are now divided into the four retirement system classifications, shall henceforth be further subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the members and the retiree groups. In addition, attention is called to the 3 year 5% COLA reserve to insure COLA's to our retirees. This reserve is an agreement between the parties and their lobbies to insure COLA money is available when it's authorized. Finally with respect to the additional benefits provided from time to time by the special accounts, the amendment authorizes these benefits only with the specific approval of the appropriate policy committee of the house and final approval by the general court. Vote 16-0.

#### Amendment (0736h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the funding and use of the retirement system special account.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Special Account. Amend RSA 100-A:16, II(h) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. *Beginning July 1, 2003*, the special account shall be subdivided into [4] components representing the 4 retirement system member classifications, *as defined in RSA 100-A:1, with each component subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the member and retiree groups.* Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) All of the earnings of the remaining assets of the retirement system which are in excess of the assumed rate of return plus 1/2 of one percent added to such rate shall be allocated to the 4 member classifications. The assumed rate of return shall be determined by the board of trustees.

(3) Any funds held in special reserve as of June 30, 1996, shall be transferred to the respective component of the special account according to the following schedule:

(i) One-half of the funds held in special reserve as of June 30, 1996.

(ii) One-half of the remaining funds as of June 30, 1997, plus earnings from July 1, 1996 to June 30, 1997.

(iii) All remaining funds as of June 30, 1998, plus earnings from July 1, 1997, to June 30, 1998.

(4) [Repealed.]

(5) None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

(6) [Repealed.]

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a *within a 3-year, 5 percent COLA reserve* and, second, to the extent that funds may be available in the special account *in excess of the 3-year 5 percent COLA reserve*, to provide additional benefits to retired members and beneficiaries of the retirement system *with the specific approval of the appropriate policy committees and approval of the general court.*

2 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill provides for the subdivision of the retirement system special account components into a state employee portion and a political subdivision employee portion.



This bill also adds requirements for the approval and use of retirement system funds in the special account for supplemental benefits.

Adopted.

Report adopted and ordered to third reading.

**HB 554**, relative to the procedure for assignment of juvenile probation and parole officers. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have provided that juvenile probation and parole officers shall be assigned to judicial districts based on the workload formula established by the department of health and human services in consultation with the presiding judge thus removing the specific and ultimate approval authority of the presiding justice from the process. The bill gives the authority to the commissioner to make rules pursuant to RSA 541-A to possibly undermine the judge's authority in his own court. The committee disagreed with this approach considering that the ultimate responsibility for a court's action is the responsibility of the presiding justice and to diminish this role would result in the clouding of responsibility to the detriment of the client. Vote 13-4.

Adopted.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill is the result of a study committee and reflects input and consensus from the legislative and judicial branches of government. The bill establishes a contributory defined benefit judicial retirement plan. The future cost savings to the state become significant because regular contributions of both, members (full time judges) and employer (State of New Hampshire), will provide adequate funding of the actuarial demands of the fund. The bill provides for a one-time adjustment to judicial salaries equal to the contribution required by the plan. The bill recognizes the need to continue funding the retirement plan of currently retired judges and in no way alters the provisions of their current retirement plan. Vote 15-2.

**Amendment (0718h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Judicial Retirement Plan. Amend RSA by inserting after chapter 100-B the following new chapter:

**CHAPTER 100-C  
JUDICIAL RETIREMENT PLAN**

100-C:1 Definitions. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

I. "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member.

II. "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of the mortality tables last adopted by the board of trustees.

III. "Actuary" means:

(a) A member of the American Academy of Actuaries; or

(b) An individual who has demonstrated to the satisfaction of the board of trustees that such individual has the educational background necessary for the practice of actuarial science and has had at least 7 years of actuarial experience.

IV. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this chapter.

V. "Board of trustees" or "board" means the board provided for in RSA 100-C:11.

VI. "Creditable service" means prior service plus membership service, as provided in RSA 100-C:4.

VII. "Earnable compensation" means a member's annual salary.

VIII. "Judicial retirement plan" or "plan" means the New Hampshire judicial retirement plan as defined in RSA 100-C:2.

IX. "Member" means any full-time supreme court, superior court, district court, or probate court judge.

X. "Member annuity" means annual payments for life derived from the accumulated contributions of the member.

XI. "Memberships service" means service rendered while a member of the judicial retirement plan.

XII. "Predecessor system" means any state retirement plans or systems for judges in effect prior to the date of implementation of the judicial retirement plan by this chapter.

XIII. "Regular interest" means interest at such rate or rates compounded annually as may be set from time to time by the board of trustees.

XIV. "Retirement" means withdrawal from active service with a retirement allowance granted under the provisions of this chapter.

XV. "Retirement allowance" means the sum of the member annuity and the state annuity. All retirement allowances shall be payable in equal monthly installments which shall cease with the last monthly payment prior to death, unless otherwise specifically provided for in this chapter; provided, however, that if the retirement allowance is less than \$10 per month, it may be paid, at the discretion of the board of trustees, in quarterly or semiannual installments due at the midpoint of such period, or in a lump sum of equivalent actuarial value.

XVI. "Retirement system" means the New Hampshire retirement system as defined in RSA 100-A:2.

XVII. "Service" means service as a supreme court, superior court, full-time district court, or full-time probate court justice.

XVIII. "State" means the state of New Hampshire.

XIX. "State annuity" means annual payments for life derived from contributions by the state.

XX. "Terminal funding" shall mean providing the full present value of the total liability for benefit improvement. Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-A:13, III(g).

#### 100-C:2 Establishment of Judicial Retirement Plan.

I. The judicial retirement plan is hereby established. It shall be known as the New Hampshire judicial retirement plan, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held in trust for the purpose for which received. It is intended for all time to meet the requirements of a qualified pension trust within the meaning of section 401(a), and to qualify as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended. It is a defined benefit plan providing disability, death, and retirement protection to members and their families.

II. The board of trustees shall have the exclusive authority and full power to invest and manage those assets of the judicial retirement plan and may cause any stock or other securities to be registered and held in the name of a nominee without mention of the judicial retirement plan's ownership, provided that no nominee shall have possession of or access to the stock or other securities unless the nominee shall be an officer of a corporate custodian of such stock or other securities, in which case the custodian shall maintain on its books accurate and current records of the New Hampshire judicial retirement plan's interest in such stock or other securities and the custodian shall be strictly liable for all acts or omissions of the nominee in connection with such stock or other securities and the nominee shall be bonded by the custodian.

100-C:3 Membership. Membership in the judicial retirement plan shall be mandatory for any full-time supreme court, superior court, district court, or probate court judge.

#### 100-C:4 Creditable Service.

I. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist only of that membership service since such judge became a member of the judicial retirement plan plus that service credited a member for retirement allowance, if any, under the provisions of former RSA 490:2; RSA 491:2; RSA 502-A:6-a, or RSA 547:2-a in effect on the date of implementation of this chapter.

II. The board shall fix and determine by appropriate rules how much service in any year is equivalent to one year of service, but in no case shall it allow credit for a period of absence without pay of more than a month's duration, nor shall more than one year of service be creditable for all service in a calendar year. Service rendered for the full normal working time in any year shall be equivalent to one year's service.

#### 100-C:5 Service Retirement Benefits.

I. Any member who has at least 10 years of creditable service and is at least 55 years of age, or who has at least 7 years of creditable service and is 70 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

II. A member who is at least 65 years of age with 10 years of creditable service may retire on a service retirement allowance equal to 75 percent of the member's final year's salary.

III. A member who is 70 years of age with 7 years of creditable service may retire on a service retirement allowance equal to 45 percent of the member's final year's salary. A member who is 70 years of age shall be granted an additional 10 percent over the 45 percent level for each year of creditable service the member has over 7 years.

IV. A member who is at least 55 years of age with at least 10 years of service may retire on a service retirement allowance equal to 20 percent of the member's final year's salary. A member who is at least 56 years of age with at least 11 years of service may retire on a service retirement allowance equal to 30 percent of the member's final year's salary. A member who is at least 57 years of age with at least 12 years of service may retire on a service retirement allowance equal to 40 percent of the member's final year's salary. A member who is at least 58 years of age with at least 13 years of service may retire on a service retirement allowance equal to 50 percent of the member's final year's salary. A member who is at least 59 years of age with at least 14 years of service may retire on a service retirement allowance equal to 60 percent of the member's final year's salary. A member who is at least 60 years of age with at least 15 years of service may retire on a service retirement allowance equal to 70 percent of the member's final year's salary.

V. Under no circumstance shall any service retirement allowance pursuant to this section exceed 75 percent of the member's final year's salary.

VI. Any member attaining eligibility for 75 percent of the member's final year's salary shall not be required to make employee contributions to the plan pursuant to RSA 100-C:14.

100-C:6 Disability Retirement Benefits. Regardless of a member's length of service, any member who becomes permanently and totally disabled may apply to the board of trustees to retire on a disability retirement allowance not less than 30 nor more than 90 days subsequent to the filing of such application. Such application shall be granted provided that a physician or physicians designated by the board of trustees, after a medical examination of such member, certifies that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such person should be retired. A member's disability retirement allowance shall be equal to 70 percent of the member's final year's salary.

#### 100-C:7 Death Benefits.

I. If a member dies in office, his or her surviving spouse, as long as he or she remains unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage, then the member's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the member's final year's salary. In case there is more than one child, the compensation shall be divided equally among them.

II. If such member dies having terminated service as such and having become entitled to benefits pursuant to RSA 100-C:5 or RSA 100-C:6, his or her surviving spouse, as long as he or she remains unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage, then the member's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 the member's final year's salary. In case there is more than one child, the compensation shall be divided equally among them.

#### 100-C:8 Return of Members' Contributions.

I. If a member ceases to be a judge for reasons other than retirement or death, the amount of such member's accumulated contributions shall be paid to such member within 3 months after such member's written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be a judge. Upon the refund of such contributions all rights of the member, any beneficiary, and any survivor of the member under this chapter shall terminate.

II. Upon the death of a member in service who does not have a surviving spouse or dependent children, the amount of the member's accumulated contributions shall be paid to any beneficiary or beneficiaries nominated by the member, if living, or otherwise to the member's estate.

III. Upon the death of a member, who does not have a surviving spouse or dependent children, after retirement allowance payments have commenced, any excess amount of the member's accumulated contributions at retirement over the sum of the retirement allowance payments received shall be paid in one sum to the beneficiary or beneficiaries nominated by the member, if living, otherwise to the member's estate.

IV. The return of a member's contributions shall include accrued interest at such rates as the board of trustees may from time to time determine in its discretion.

100-C:9 Designation of Beneficiaries; Effect. When more than one person is designated by the member as beneficiary under this chapter, the member may provide the portion of the whole sum which each designee shall receive and may also provide that on the death of one of multiple designees the share of that designee shall automatically be added to the share of another or other designees or be payable to the estate of the member.

100-C:10 Maximum Benefit Limitations. Notwithstanding any other provisions of this chapter, the maximum benefit payable to any retired member or beneficiary of the New Hampshire judicial retirement plan shall be limited to such extent as may be necessary to conform to the requirements of sections 401(a)(9) and 415 of the United States Internal Revenue Code of 1986 for a qualified retirement plan.

100-C:11 Administration and Delegation.

I. The judicial retirement plan shall be administered by a board of trustees, which shall be separate from the board of trustees of the New Hampshire retirement system. The board of the judicial retirement plan shall have the exclusive authority and full power to administer and to invest and manage those assets of the judicial retirement plan.

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court and the administrative justices of the district and probate courts, shall appoint 3 trustees, who shall be active members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

III.(a) In addition to those other powers conferred herein, the board of trustees shall have exclusive authority and full power, consistent with the board's duties under this chapter, to:

(1) Establish an administrative budget sufficient to exercise the board's powers and to perform the board's duties and, as appropriate and reasonable, draw upon assets of the plan to fund the budget;

(2) Obtain by employment or contract the services necessary to exercise the board's powers and perform the board's duties, including actuarial, auditing, custodial, investment, and legal services; and

(3) Procure and dispose of goods and property necessary to exercise the board's powers and perform the board's duties.

(b) In exercising its authority under this section, the board shall be subject to the fiduciary duties of this chapter, but not to civil service, personnel, procurement, or similar general laws relating to the subjects of subparagraph III(a).

IV. The members of the board of trustees shall serve without compensation but shall be reimbursed for actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

V. Each trustee shall be entitled to one vote in the board of trustees. Five trustees shall constitute a quorum for the transaction of any business. Four trustees voting shall be necessary for any resolution or action by the board at any meeting.

VI.(a) The board may engage such administrative services as may be required to transact the business of the judicial retirement plan. The compensation for such services, and all other necessary expenses of the board shall be paid at such rates and in such amounts as the board shall approve. The New Hampshire retirement system may be engaged to provide such administrative services to the judicial retirement plan on such terms as the board of trustees of each plan may both agree.

(b) The board may delegate functions, including the administration of the plan, that a prudent trustee acting in a like capacity and familiar with such matters could properly delegate under the circumstances.

(c) The board shall exercise reasonable care, skill, and caution in:

(1) Selecting an agent, including administrator of the judicial retirement plan;

(2) Establishing the scope and terms of the delegation, consistent with the purposes and terms of this chapter; and

(3) Periodically reviewing the agent's performance and compliance with the terms of the delegation.

(d) In performing a delegated function, an agent owes a duty to the judicial retirement plan and to its members and beneficiaries to comply with the terms of the delegation and, if a fiduciary, to comply with the duties imposed by this chapter.

(e) A trustee of the board who complies with subparagraphs (b) and (c) shall not be liable to the plan or to its members or beneficiaries for the decisions or actions of the agent to whom the function was properly delegated.

(f) By accepting the delegation of a function from the board, an agent submits to the jurisdiction of the courts of this state.

(g) The board may limit the authority of an agent to further delegate functions under this section.

VII. The board shall keep a record of all of its proceedings. In furtherance of public disclosure:

(a) The board by the plan administrator shall prepare and disseminate:

(1) A summary plan description of the judicial retirement plan;

(2) A summary description of any material modification in the terms of the plan and any material change in the information required to be contained in the summary plan description, to the extent the modification or change has not been integrated into an updated summary plan description;

(3) An annual disclosure of the plan's financial and actuarial status; and

(4) An annual report.

(b) The board shall make available for public examination in the principal administrative offices of the plan or in such other places as the board may designate:

(1) The governing law of the judicial retirement plan;

(2) The most recent summary plan description;

(3) Summary descriptions of modifications or changes described in subparagraph (a)(2) that have been provided to members and beneficiaries but have not yet been integrated into the summary plan description;

(4) The most recent annual disclosure of financial and actuarial status; and

(5) The most recent annual report.

(c) Upon written request by a plan member, beneficiary, or member of the public, the board by its administrator shall provide a copy of any publication described in subparagraph (b). Except as otherwise provided herein, the board may charge a reasonable fee to cover the cost of providing copies. The board by its administrator shall provide the copies within 30 days after the request or, if a fee is charged, within 30 days after receiving payment.

VIII. The board of trustees shall direct the administrator of the plan to make the following disclosure to members and beneficiaries of the judicial retirement plan:

(a) The administrator shall furnish to each member and to each beneficiary who is receiving benefits under the plan:

(1) A copy of the most recent summary plan description, along with any summary descriptions of modifications or changes described in paragraph VII(a)(2); within 30 days after a person becomes a member or, in the case of a beneficiary, within 30 days after a person first receives benefits;

(2) The summary description of any modifications or changes described in paragraph VII(a)(2), within 7 months after the end of the fiscal year of the plan in which a modification or change has been made;

(3) A copy of an updated summary plan description that integrates all modifications and changes at intervals not exceeding 5 years; and

(4) The annual report within 7 months after the end of each fiscal year of the plan.

(b) The board by its administrator shall provide to a member or beneficiary a statement containing information that would permit the member or beneficiary to reasonably estimate projected benefits

to the extent the information is regularly maintained by the plan. The information may be provided periodically with the annual report or upon written request of the member or beneficiary. The information need not be provided to a member or beneficiary who is currently receiving benefits.

(c) A member who is not currently receiving benefits is entitled without charge to one statement under subparagraph (b) during any fiscal year of the plan. The administrator may charge a reasonable fee to cover the cost of providing additional statements. The administrator shall provide the statements within 30 days of receipt of the member or beneficiary's written request or, if a fee is charged, within 30 days after receiving payment.

(d) A summary plan description and summary description of modifications or changes provided herein must be written in a manner calculated to be understood by the average member and be accurate and sufficiently comprehensive reasonably to inform the members and beneficiaries of their rights and obligations under the plan and shall contain:

- (1) The name of the plan and type of administration;
- (2) The name and business address of the administrator appointed by the board;
- (3) The name and business address of each agent for service of process;
- (4) Citations to the governing law of the judicial retirement plan;
- (5) A description of the plan's requirements concerning eligibility for participation and benefits;

(6) A description of the plan's provisions providing for nonforfeitable benefits;

(7) A description of circumstances that may result in disqualification, ineligibility, or denial or loss of benefits;

(8) A description of the benefits provided by the plan, including the manner of calculating benefits and any benefits provided for spouses and survivors;

(9) The source of financing of the program;

(10) The identity of any organization through which benefits are provided;

(11) The date the fiscal year of the plan ends;

(12) The procedures to claim benefits under the program and the administrative procedures available under the program for the redress of claims that are denied in whole or in part; and

(13) Notice of the availability of additional information provided herein.

(e) The board of trustees shall file with the secretary of state a copy of:

(1) The summary plan and of updated summary plan descriptions at the same time such are first furnished to plan members or beneficiaries pursuant to subparagraph (a)(3);

(2) Any summary description of modifications or changes within 7 months after the end of the fiscal year in which a modification or change has been made; and

(3) Disclosures of the plan's financial and actuarial status and its annual report within 7 months after the end of each fiscal year of the plan.

IX. The board shall make disclosures of the financial and actuarial status of the judicial retirement plan as provided herein.

(a) As used in this paragraph, "qualified public accountant" means:

(1) An auditing agency of this state which has no direct relationship with the functions or activities of the judicial retirement plan or its fiduciaries other than:

(A) Functions relating to this chapter, or

(B) A person who is an independent public accountant, certified or licensed by a regulatory authority of a state.

(b) As used in this paragraph, "related person" of an individual means:

(1) The individual's spouse or a parent or sibling of the spouse;

(2) The individual's descendant, sibling, or parent, or the spouse of the individual's descendant, sibling, or parent;

(3) Another individual residing in the same household as the individual;

(4) A trust or estate in which an individual described in above subparagraphs (1), (2), or (3) has a substantial interest;

(5) A trust or estate for which the individual has fiduciary responsibilities; or

(6) An incompetent, ward, or minor for whom the individual has fiduciary responsibilities.

(c) The annual disclosure of the financial and actuarial status of the plan shall contain:

(1) The name of the plan;

(2) The name and principal business office of the administrator appointed by the board of trustees;

- (3) The name and business address of each member of the board of trustees and a brief description of how the trustee was selected;
- (4) The name and business address of the plan's agent for service of process;
- (5) The name and business address of each fiduciary;
- (6) The current statement of investment objectives and policies of the plan;
- (7) Financial statements and notes to the financial statements in conformity with generally accepted accounting principles;
- (8) An opinion on the financial statements by a qualified public accountant in conformity with generally accepted auditing standards;
- (9) Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations;
- (10) An opinion by the actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that each assumption and method used in preparing the schedules is reasonable, that the assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience;
- (11) A description of any material interest held by any trustee, administrator, or employee who is a fiduciary with respect to the investment and management of assets of the plan, and, if the fiduciary is an individual, by a related person of the beneficiary, in any material transaction with the plan within the last 3 years or proposed to be effected;
- (12) A schedule of the rates of return, net of total investment expense, on assets of the plan overall and on assets aggregated by category over the most recent one-year, 3-year, 5-year, and 10-year periods, to the extent available, and the rates of return stated against appropriate benchmarks for assets of the system overall and for each category over each period; and
- (13) A schedule of the sum of total investment expense and total general administrative expense paid by the plan for the fiscal year expressed as a percentage of the fair value of assets of the system on the last day of the fiscal year, and an equivalent percentage for the preceding 5 fiscal years.

X. The annual report for the plan shall contain:

- (a) The name and business address of each member of the board of trustees;
- (b) The financial statements, but not the notes, required by paragraph IX(c)(7);
- (c) The actuarial schedules, but not the notes, required by paragraph IX(c)(9);
- (d) The schedules described in paragraphs IX(c)(12) and (13);
- (e) A brief description of the above statements and schedules;
- (f) Other material to summarize fairly and accurately the annual disclosure of the plan's financial and actuarial status; and
- (g) A general notice of the availability of the public, member and beneficiary information provided herein.

100-C:12 Fiduciary Duties of Board of Trustee in Investing and Managing Assets of Judicial Retirement Plan.

I. The members of the board of trustees shall be the trustees of all funds of the judicial retirement plan created under this chapter and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions herein. Each member of the board of trustees or other fiduciary shall discharge duties with respect to the plan:

- (a) Solely in the interest of its members and beneficiaries;
- (b) For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the plan;
- (c) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;
- (d) Impartially, taking into account any differing interests of members and beneficiaries;
- (e) Incurring only costs that are appropriate and reasonable; and
- (f) In accordance with a good-faith interpretation of the law governing the judicial retirement plan.

II. In investing and managing assets of the judicial retirement plan, the board of trustees:

- (a) Shall consider among other circumstances:
  - (1) General economic conditions;
  - (2) The possible effect of inflation or deflation;
  - (3) The expected total return from income and the appreciation of capital;

(4) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and

(5) The adequacy of funding for the plan based on reasonable actuarial factors;

(b) Shall diversify the investments of the plan unless the board reasonably determines that, because of special circumstances, it is clearly prudent not to do so;

(c) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of the plan; and

(d) May invest in any kind of property or type of investment consistent with the fiduciary provisions of this chapter.

III. The board may return a member or state contribution, or make alternative arrangements for reimbursement, if the board determines the contribution was made because of a mistake of fact or law.

IV. In evaluating the performance of a trustee or other fiduciary of the plan, compliance by the trustee or other fiduciary with those duties and liabilities under this chapter shall be determined in light of the facts and circumstances existing at the time of the trustee or fiduciary's decision or action and not by hindsight; and the board's investment and management decisions shall be evaluated not in isolation but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the plan.

V. The board of trustees may insure against liability or losses occurring because of a breach of duty hereunder if the insurance is purchased or provided either by the trustee or fiduciary personally or, on the trustee or fiduciary's behalf, by the state, the plan, the employer whose members participate in the plan, or the trustee or fiduciary's employer.

#### 100-C:13 Method of Financing.

I. All of the assets of the judicial retirement plan shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. In making the determinations required under this section for financing the judicial retirement plan, the board shall determine and use an appropriate actuarial funding methodology. The board shall direct the plan's actuary to prepare biennial valuations of the system's assets and liabilities commencing with a valuation prepared as of the date of implementation of this chapter. Such biennial valuation shall be the sole basis for determining the annual contribution requirements of the judicial retirement plan until the next following biennial valuation.

#### II. Member Annuity Savings Fund.

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities. The board of trustees shall certify to the proper authority responsible for making up the payroll of the judicial branch, and such authority shall cause to be deducted from the compensation of each member, on each and every payroll for each and every payroll period, the percentage of earnable compensation applicable to such member. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board. Each of such amounts, when deducted, shall be paid to the judicial retirement plan at such times as may be designated by the board and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

(b) Every member shall be deemed to consent and agree to the deductions provided in this section as a condition of membership.

(c) The accumulated contributions of a member withdrawn by such member, or paid to such member's estate or to such member's designated beneficiary in event of the member's death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, such member's accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

#### III. State Annuity Accumulation Fund.

(a) The state annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all state annuities payable from contributions made by the state, any amounts transferred to the fund from a similar fund under one or more of the predecessor systems,



and amounts transferred from the member annuity savings fund and from which shall be paid all benefits payable under the plan other than those payable from the member annuity savings fund.

(b) The contributions of the state for benefits under the judicial retirement plan shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution." The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the plan with respect to its members.

(c) Commencing with the valuation as required in paragraph I, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation, and assets of the judicial retirement plan from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable; or the actuary may base such determination on the anticipated level of contribution as is necessary to maintain such reasonable actuarial funded ratio as may be directed by the board of trustees, and for purposes of this determination the actuarial funded ratio shall be the ratio of the fair market value of the judicial retirement plan's assets to the present value of accumulated benefits under the judicial retirement plan for all members, but without regard to any future compensation increase.

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of 20 years from the date of implementation of this chapter.

(e) The total amount payable to the state annuity accumulation fund in each year shall not be less than the normal contribution rate multiplied by the total compensation earnable by all members for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability as determined by the actuary under subparagraph (d) above.

(f) All interest and dividends earned on the funds of the judicial retirement plan shall be credited to the state annuity accumulation fund. The board shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of 9.5 percent shall be allocated to the special account. None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.

IV. State Contributions. On or before the first day of October preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the judicial retirement plan and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall be appropriated by the legislature. The amounts so certified under this paragraph shall include the unfunded accrued liability of the judicial retirement plan.

100-C:14 Member Contributions. All member contributions to the judicial retirement plan shall be payable only with respect to membership service, and picked up by the state by means of payroll deduction and shall be treated as employer contributions for purposes of Section 414(h) of the

Internal Revenue Code of 1986, as amended. The member contribution rate shall be fixed biennially by the board of trustees and shall be calculated so that the rate percent of earnable compensation deducted is one-half of the annual contribution requirements of the judicial retirement plan as determined in RSA 100-C:13, I. In no year shall the member contribution rate exceed 10 percent of a member's earnable compensation. Once a member attains eligibility for a service retirement allowance equal to 75 percent of the member's final year's salary pursuant to RSA 100-C:5, said member shall not be required to have deductions made from earnable compensation for purposes of this section provided that the state contributions for such member under RSA 100-C:13, IV shall continue until the member's retirement.

**100-C:15 Exemption From Taxation and Execution.**

I. The right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter, shall be exempted from any state, county, or municipal tax in the state; shall not be subject to execution, trustee process, attachment or any other process whatsoever, legal or equitable; and shall be unassignable except as provided in paragraph II.

II. Notwithstanding any provision of law to the contrary, the right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter shall be subject to assignment, attachment, and execution to the same extent as such rights under private retirement systems.

**100-C:16 Protection Against Fraud.** Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the judicial retirement plan in any attempt to defraud the system as a result of such act, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Should any change or error in the records result in any member or beneficiary receiving from the plan more or less than such person would have been entitled to receive had the records been correct, the board of trustees shall have the power to correct such error, and to adjust as far as practicable the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

**100-C:17 Supplemental Allowances.**

I. On February 1 of each year, the fiscal committee of the general court may approve COLA's upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

II.(a) The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-C:13, III(g).

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the special account to an amount less than zero.

**2 Probate Court Judges; Retirement Benefits Reference Removed.** Amend RSA 547:2-a to read as follows:

**547:2-a Full-Time Judges.** A probate judge designated to be full-time pursuant to RSA 491-A:4, IV shall not be permitted to engage in the practice of law to any degree. Full-time probate judges shall receive the salary specified in RSA 491-A:1 ~~[and shall be entitled to the same disability and retirement benefits as full-time justices of the district court]~~. Full-time judges designated pursuant to RSA 491-A:4, IV shall assist the probate courts in the other counties whenever a probate judge in such other county is disqualified, disabled, or otherwise unable to sit.

**3 Judicial Salaries Increased.** Amend RSA 491-A:1 to read as follows:

**491-A:1 Salaries Established.**

The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	<del>\$(116,807)</del> <b>128,488</b>
Associate justices, supreme court	<del>\$(113,266)</del> <b>124,593</b>
Chief justice, superior court	<del>\$(113,266)</del> <b>124,593</b>

Associate justices, superior court \$[+06,187] 116,806  
 District court justices prohibited from practice pursuant to \$[+06,187] 116,806  
 RSA 502-A:21  
 Probate judges prohibited from practice pursuant to RSA 547:2-a \$[+06,187] 116,806

4 Retired Judges and Beneficiaries; Application of Salary Increase. Any judge, or the spouse or beneficiary of any such judge, who retired prior to the effective date of the repeals of RSA 490:2, RSA 491:2, RSA 493-A:2, and RSA 502-A:6-a by section 6 of this act or the amendment to RSA 547:2-a by section 2 of this act, shall continue to receive the disability and retirement benefits to which the person is entitled, provided however that the amount of the salary increase for current judges provided in section 3 of this act, which amends RSA 491-A:1, shall not be included in the currently effective salary used for the calculation of the retired judge's disability or retirement benefit. Any other judicial salary increases shall be used for such calculation.

5 Appropriation. The sum of \$250,000 is hereby appropriated for the fiscal year ending June 30, 2004 to the board of trustees of the judicial retirement system as established in this act. Such sum shall be nonlapsing and shall be used for legal, administrative, and other start-up costs of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Repeal. The following are repealed:

I. RSA 490:2, relative to disability and retirement compensation for supreme court judges.

II. RSA 491:2, relative to disability and retirement compensation for superior court judges.

III. RSA 493-A:2, relative to compensation of judicial referees.

IV. RSA 502-A:6-a, relative to relative to disability and retirement compensation for district court judges.

7 Contingent Implementation of Judicial Retirement Plan. The provisions of section 1 of this act establishing RSA 100-C relating to contributions by members, retirement benefits, and operation of the judicial retirement plan and sections 2, 3, 4, and 6 of this act shall be implemented and made applicable beginning on the latter of July 1, 2004 or 180 days after the date that the board of trustees established in RSA 100-C certifies to the joint legislative fiscal committee of the judicial retirement plan's receipt of a favorable determination letter from the Internal Revenue Service as to the tax qualified status of the plan under section 401(a) of the Internal Revenue Code of 1986 as amended. Such date shall be the date of implementation of the judicial retirement plan. The provisions of RSA 100-C:11 for the appointment of the board and the administration of the duties and responsibilities of the board may begin on the effective date of this act.

8 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill establishes a contributory defined benefit judicial retirement plan and repeals statutory provisions currently determining retirement salaries and benefits of supreme court, superior court, district court, and probate court judges.

The bill also increases the salaries of judges upon the effective date of the contributory judicial retirement plan.

On a division vote, 266 members having voted in the affirmative and 83 in the negative, the amendment was adopted.

Report adopted.

Referred to Finance.

**HB 753**, establishing the fourth Monday in April as General John Stark Day. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Fitzgerald for the Majority of Executive Departments and Administration: This bill would establish a day of recognition to honor a true New Hampshire hero, General John Stark. General Stark, whose statue stands in front of the Capitol and whose famous words "Live Free or Die" are found on our license plates, was a great military hero of the Revolutionary War. This bill would require the governor to proclaim the fourth Monday in April "General John Stark Day". This would not be a legal holiday. At the public hearing, the sponsor and members of the "Sons of the American Revolution" spoke in favor of the bill. No members of the public spoke in opposition. After a spirited discussion in committee, it was voted to pass the bill. Vote 12-7.

Rep. Anne Marie Irwin for the Minority of Executive Departments and Administration: The purpose of this bill is to recognize the accomplishments of General John Stark. It is a commendable

idea. The minority suggests that it is also right and just to include Molly Stark in this honor. Molly Stark took an active part in the tumultuous times of New Hampshire's early years. Known for her fierce devotion to her husband, Molly Stark fought alongside her husband and son at Bunker Hill. Molly Stark also "bore the weight of the war and met danger in every quarter." Molly and John displayed devotion to each other, family and state. We should remember and celebrate this intrepid partnership.

Rep. Irwin spoke against.

Reps. Lawton and Rowe spoke in favor.

Majority report adopted and ordered to third reading.

**HB 210-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift inspector. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment provides funding for this bill from revenues derived from fees proportional to the work of the inspector on recreational rides and ski lifts. Vote 22-0.

#### Amendment (0702h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to passenger tramway registration fees and relative to carnival or amusement ride fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Passenger Tramway Registration Fees. Amend RSA 225-A:16 to read as follows:

225-A:16 Fees. The application for registration shall be accompanied by the applicable annual fees [~~; provided, however, that when an operator operates either a chair lift, skimobile, gondola, or aerial tramway during both a summer and winter season, the annual fee shall be 1 1/2 times the annual fee for the respective lift~~] *to cover the costs of administering this chapter*. The fees for registration shall be set by the board, *with the approval of the commissioner of safety*, by rule adopted pursuant to RSA 541-A.

2 Carnival-Amusement Operators; Decal Required. Amend RSA 321-A:4 to read as follows:

321-A:4 Decal Required. No person shall operate a carnival or amusement ride without a decal issued by the commissioner. The commissioner [~~may~~] *shall* by rule, adopted pursuant to RSA 541-A, establish a reasonable fee for decals to cover the costs of administering this chapter. An operator shall apply for a decal to the commissioner on a form furnished by [~~him~~] *the commissioner* and containing such information as [~~he~~] *the commissioner* may require. No such decals shall be issued by the commissioner until proof of adequate insurance on each such ride, as provided in RSA 321-A:5, III, is certified by the owner or operator to the commissioner and the applicable fee has been paid.

3 Passenger Tramway Registration Fees; Expiration and Adoption of Rule. Notwithstanding any other provision of law, the passenger tramway safety board rule adopted pursuant to RSA 225-A:16 setting passenger tramway registration fees shall expire June 30, 2003. The passenger tramway safety board, with the approval of the commissioner of safety, shall set new passenger tramway registration fees pursuant to RSA 225-A:16, as amended by this act. In developing the fees required by RSA 225-A:16, the passenger tramway safety board and the commissioner of safety shall act jointly to assure that the fees cover the costs of administering RSA 225-A.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Provides that passenger tramway registration fees shall cover the costs of administering the passenger tramway safety laws.

II. Requires that the commissioner of safety approve the passenger tramway registration fees set by the passenger tramway safety board.

III. Requires that the commissioner of safety to establish fees for carnival or amusement ride decals. Adopted.

Report adopted and ordered to third reading.

**HB 360-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment replaces the entire bill. It establishes a New Hampshire Legal Assistance office in Nashua and also includes a pilot project serving near-

poor in the Nashua/Hillsborough County area. For purpose of the pilot project, the office will raise its net income eligibility ceiling from 125% to 187.5% of the federal poverty guidelines. New Hampshire Legal Assistance shall report on this project on December 1, 2004 to the Judicial Council, House and Senate Finance Committees, as well as others. To fund this Nashua office, the bill establishes a \$6.00 surcharge on entry fees collected in the Supreme, Superior, District, Family, and Probate Courts which will generate \$368,640. The committee was particularly supportive of this Nashua office and pilot project based on the benefits to state and local government from legal assistance cases in large part documented by the North Country office, including significantly increased social security benefits, Medicare coverage and child support. Vote 19-3.

#### **Amendment (0612h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.

Amend the bill by replacing all after the enacting clause with the following:

1 Civil Legal Services Fund; Filing Fee Surcharge; New Hampshire Legal Assistance. There is established in the office of the state treasurer a separate fund to be known as the civil legal services fund. The sum of \$6 shall be added to each entry fee collected in the supreme, superior, district, family and probate courts, but not in small claims cases filed pursuant to RSA 503, and these sums shall be deposited in the fund. The amounts collected in this fund shall be distributed to New Hampshire Legal Assistance for the costs of establishing and operating an office in the city of Nashua to provide civil legal services to low-income persons in the city of Nashua and the surrounding area. These civil legal services include services related to such issues as housing, social security and other government benefits, health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report to the judicial council as to its use of these funds in accordance with RSA 525-A:1.

2 Pilot Project on Serving the Near-Poor; New Hampshire Legal Assistance. For the 2004-2005 biennium, New Hampshire Legal Assistance shall conduct a pilot project in Hillsborough county under which it will raise its net income eligibility ceiling from 125 percent to 187.5 percent of the federal poverty guidelines, for the purpose of providing legal services to a segment of New Hampshire residents who have heretofore been ineligible for services, but in many cases cannot afford to hire a lawyer. New Hampshire Legal Assistance shall report to the judicial council, the chairpersons of the house and senate judiciary and finance committees, the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2004 as to the results of this project as of that date.

3 Repeal. Sections 1 and 2 of this act, relative to the civil legal services fund and the pilot project on serving the near-poor, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2005.

II.. The remainder of this act shall take effect July 1, 2003.

#### **AMENDED ANALYSIS**

This bill establishes a civil legal services fund consisting of court filing fee surcharges for a 2-year period for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua. The bill also requires New Hampshire Legal Assistance to conduct a pilot project on serving the near-poor and to report on the results of that project to the judicial council, the legislature, and the governor.

Adopted.

Report adopted and ordered to third reading.

**HB 566-FN-A**, making an appropriation for Welfare-to-Work state matching grants. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Finance: This bill as originally proposed would have appropriated \$250,000 per year for Welfare-to-Work programs through Southern NH Services. An amendment was brought forward, due to application eligibility requirements, to change the source from South-

ern NH Services to the Postsecondary Education Commission. It became apparent that the original application/request to the Department of Labor was flawed and the department indicated that the future funding of the request was in doubt. While the intent of the bill is laudable, the committee was not confident the funding would become available. Vote 22-0.

Adopted.

**HB 515**, exempting a landowner's written permission for the setting of traps from the right to know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy McKinney for Fish and Game: This bill as amended exempts agreements between landowners and trappers from the Right to Know Law. This bill was filed in response to landowners who were receiving harassing phone calls from animal rights activists who had obtained lists of trapping activities on their land. Since the 1930's landowner permission with trappers has been provided to the local Conservation Officer for the purpose of information. The landowners feel this information should remain private as it is an agreement between two non public parties and the information is given to the Fish and Game Department to help with the department's enforcement duties. This bill was supported by landowners, Trappers Association, New Hampshire Wildlife Federation, and Fish & Game Department. Vote 11-4.

#### Amendment (0318h)

Amend the title of the bill by replacing it with the following:

AN ACT excluding certain agreements between fish and game licensees and landowners from the right-to-know law.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game Licenses; Licensee Agreements with Private Landowners; Exclusion from Right-to Know. Amend RSA 214 by inserting after section 12 the following new section:

214:12-a Licensee Agreements with Private Landowners; Exclusion from Right-to Know. Any agreement or record between a private landowner and a person issued a fish and game license under this title, which is provided to, or held by, the department or its staff, shall be maintained confidentially and shall not be considered a public record for purposes of RSA 91-A.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires that an agreement or record between a private landowner and a fish and game license holder, which is provided to, or held by, the fish and game department, shall be maintained confidentially and shall not be considered a public record under the right-to-know law.

Adopted.

Report adopted and ordered to third reading.

**HB 709-FN**, relative to nursing homes in receivership. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill as amended establishes a procedure for the orderly receivership temporary of a licensed nursing home or residential care facility found to be in an emergency status. Emergency, as referenced in the bill, means a situation or condition, which presents imminent danger or death or serious physical harm to patients including imminent or actual abandonment of an occupied facility. The State would have up to a 90 day period, with review of the court, to put in place appropriate management to get the facility back on its feet or to facilitate the orderly transfer of the patients to other facilities. While the committee hopes this receivership procedure will never be necessary, it is prudent and responsible to have in place protections for our most vulnerable citizens. Vote 14-0.

#### Amendment (0788h)

Amend RSA 151-F:2 as inserted by section 1 of the bill by replacing it with the following:

151-F:2 Appointment of Receiver. The probate court, upon petition of the department, as hereinafter provided, shall appoint a receiver for any facility; provided, that the court finds that an emergency exists or that the facility is operating without a license, or the department has denied, revoked, or refused to renew a license, or has initiated license denial, revocation, or nonrenewal procedures and the lives, health, safety or welfare of the residents cannot be adequately assured pending the full hearing and decision on the matter.

Amend RSA 151-F:3, I as inserted by section 1 of the bill by replacing it with the following:

I. The department may bring an action in the probate court, after notification to the charitable trust division, department of justice, requesting the appointment of a receiver to operate a facility. Before the department brings such an action, the administrator of a facility designated by the commissioner shall be informed that the department intends to bring such an action and shall be informed of the reasons for the decision to bring such an action. The administrator shall have at least 5 years experience as a nursing home or other residential care facility administrator. The administrator may submit his or her recommendations concerning the facility proposed for receivership within 2 business days after receiving the above information. After the 2-day period, the department, in its sole discretion may bring an action in the probate court. Prior to any hearing for the appointment of a receiver, the department shall file, and the court shall consider, an affidavit made under oath describing the results of any investigation conducted by the department, including a statement of any findings with respect to the resident's petition and the reasons for not filing an action pursuant to this section, and shall append thereto the 2 most recent reports of deficiencies in that facility. Nothing in this chapter shall be construed as abrogating or superseding any common law or statutory right of any person to bring an action requesting appointment of a receiver to operate a facility.

Amend RSA 151-F:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The receiver shall apply the current revenues of the facility to current operating expenses and, subject to the following provisions, to debts incurred by the licensee prior to the appointment of the receiver. The receiver shall ask the court for direction in the treatment of debts incurred prior to this appointment where such debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the facility, or where payment of such debts will interfere with the purposes of the receivership. Priority shall be given by the receiver to expenditures for current, direct resident care, including nursing care, medications, social services, dietary services, and housekeeping.

Amend RSA 151-F:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In the event that a receiver appointed under RSA 151-F:3 does not have sufficient capital to advance for major repairs or improvements, the receiver may petition the court for permission to apply to the department for a loan. Notice shall be given to the owner of the real estate, the licensee, the department, and to any mortgagee and other secured parties and lienholders of record. The court shall after hearing, authorize the receiver to apply for such assistance if it determines that the facility should not be closed, and the commissioner certifies that the repair or improvement is necessary to prevent or remove jeopardy to patients or to minimally qualify the facility for participation in the medicaid or Medicare program; or it determines that the facility should be closed and the commissioner certifies that the repair or improvement is necessary to prevent jeopardy to residents for the limited period of time that they are awaiting transfer. The purposes of this paragraph shall be to protect residents and to prevent the closure of facilities which, given proper management, are likely to be viable operations. This section shall not be construed as a method of financing major repairs or capital improvements to facilities which have been abandoned because the licensee has been unable to secure financing by conventional means. Upon court approval, application for financial assistance shall be made to the department, which shall administer such funds as the legislature may appropriate for this purpose. The court may set a reasonable rate of interest to be paid by the receiver to the department. In no case shall funds advanced by the department under this paragraph exceed funds available in the department's civil monetary penalty fund.

Amend RSA 151-F:7, V as inserted by section 1 of the bill by replacing it with the following:

V. The receivership shall be reviewed after 30, 60, and 90 days by the probate court. If the receivership has not been terminated within 90 days of the appointment of the receiver, the court shall, after hearing, order either that the facility shall be closed, after an orderly transfer of the residents to appropriate alternative placements; or the facility shall be sold, under reasonable terms approved by the court, to a new owner approved for licensure by the department. The receivership period may be extended only with the agreement of all of the parties involved or as necessary to protect the health and safety of the residents.

Adopted.

Report adopted and ordered to third reading.

**HB 758-FN**, relative to the criteria for medicaid eligibility. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill prohibits the use of certain monetary devices as a method of sheltering wealth for the purpose of Medicaid eligibil-

ity. The sub-committee studied various methods of sheltering funds used on occasion by some individuals (or personal estates). Annuities was one of the identified shelters. This bill reveals and describes this type of annuity and provides for the State of New Hampshire as a secondary or contingent beneficiary insuring payment of the amount of the Medicaid expenditure. Also, this bill intends to assure that otherwise ineligible individuals are prevented from artificially impoverishing themselves to receive benefits from the State, for which they are not entitled. Several identified loopholes are closed with this bill. Vote 13-0.

#### Amendment (0341h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Eligibility for Assistance. Amend RSA 167:4 by inserting after paragraph III the following new paragraph:

IV.(a) It is hereby found and determined by the general court that the medicaid eligibility laws of this state are in need of amendment to assure that otherwise ineligible individuals are prevented from artificially impoverishing themselves to receive benefits to which they are not otherwise entitled and to facilitate recovery of improperly obtained benefits and to assure the fiscal integrity of the funds appropriated for medicaid.

(b) Notwithstanding any provision of law to the contrary, for purposes of medicaid eligibility, investment in annuities shall be limited to those annuities that:

(1) Are actuarially sound as measured against the Social Security Administration Life Expectancy tables as amended;

(2) Provide equal or nearly equal payments for the duration of the device and which exclude "balloon" style final payments; and

(3) Provide state of New Hampshire secondary or contingent beneficiary status ensuring payment if the individual predeceases the duration of the annuity, an amount equal to the medicaid expenditure made by the state of New Hampshire on the individual's behalf.

(c) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this paragraph.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**CACR II**, relating to legislative acts as expressions of the sovereign will of the people. Providing that every act of the legislature enacted in accordance with the procedures of the constitution shall be conclusively presumed to be constitutional as the expressed will of the people. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter E. Franklin for the Majority of Judiciary: This constitutional amendment would make the laws passed by the legislature equal to the constitution. The balance between the three constitutional branches of government would be lost. Vote 13-2.

Rep. Gregory M. Sorg for the Minority of Judiciary: Judicial review, the supposed power of the judicial branch of the government to interpret the constitution with bending effect on all three branches of the government, had no precedent in English jurisprudence and was not practiced in England or in any of the United States at the time of adoption of the New Hampshire Constitution in 1784. It was a post ratification invention of the courts themselves, first used in defense against very clear legislative encroachments on the judicial process, but gradually extended, case by case, precedent by precedent, to the point where today, supreme courts routinely seize upon alleged ambiguities in constitutional language to frustrate the basic constitutional principle of majority rule and to usurp the core policy-making function of the legislative branch, thereby to trivialize elections and enervate representative government. It is the sworn duty of the members of this legislature to defend its constitutional turf, and they will not be doing so until they overcome their awe of the supreme court, face the fact and source of usurpation of their authority, and stop allowing the political process to be emasculated on the basis of a fairy tale.

Majority report adopted.

**CACR 12**, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**



Rep. Terri C. Dudley for the Majority of Judiciary: The sponsor of this CACR presented a comprehensive explanation and history on the subject of "retention election" of judges and left the committee well versed on the subject. The proposition was that such elections by the people would be held during the first biennial election next occurring after a judicial officer had been appointed for three years, then every eight years thereafter for supreme court justices, every ten years for district court judges and every eight years thereafter for all other judges. The committee seriously questioned the ability of voters in one area of the state to "judge" the effectiveness of a justice in a distant area of the state. Furthermore, the committee and the legislature have made it clear on many occasions that the election of judges was never a viable option in any judicial reform proposal. The cost of these elections was considered as a further detriment to any serious consideration of this proposal. Vote 15-1.

Rep. Gregory M. Sorg for the Minority of Judiciary: This CACR was one of two before the Judiciary Committee dealing with post-appointment control of judges. The other, CACR 9, which would have provided that, "All judges appointed on or after January 1, 2005 shall be duly commissioned and sworn to 7-year terms and shall hold their offices during good behavior...A judge appointed after January 1, 2005 may be re-appointed, commissioned and sworn to subsequent 7-year terms" and which was sponsored by a member of the Judiciary Committee, was voted to be retained the day before the committee voted to kill this one. The sponsor documented the successful use of retention elections in many other states and members received extensive documentation submitted by the sponsor. It is the minority's view that CACR 12 should have been retained for further study. Rep. Crane spoke against and yielded to questions.

Rep. Mock spoke in favor.

On a division vote, 311 members having voted in the affirmative and 49 in the negative, the majority report was adopted.

**HB 122, relative to an informed jury. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the Majority of Judiciary: Under common law, the juries have had the right to refuse to return a guilty verdict where doing so would offend their good conscience. This right was used by jurors in refusing to convict patriots during the revolutionary period. The juries, relying on this power, refused to convict those who aided and housed runaway slaves. The independent tradition of juries continued during the civil rights movement. This right currently exists in all fifty states including NH. Presently, however, the juries are not consistently informed of this right- nor are any rules or guidelines regulating the circumstances under which this information may or may not be passed on to the jury. This arbitrary practice has created different practices in different regions. The majority of the committee favors equal treatment of all jurors, and defendants throughout the state. Vote 9-7.

Rep. James W. Craig for the Minority of Judiciary: The minority agreed with the Attorney General's office and the Grafton County Attorney's office that this bill will cause irreparable harm to the NH criminal system. The jury now has the right to nullify- however, this bill would further grant the accused the ability to always request it and deny the judge from ever refusing that request. Currently, each trial judge has the discretion to give any jury instruction. This bill would mandate only one instruction- jury nullification no matter how heinous the crime. The minority feels that an occasional abuse of discretion by a judge would cause less harm than this one mandatory jury instruction. The abuse of discretion can be cured on appeal.

**Majority Amendment (0175h)**

Amend the bill by replacing section 2 with the following:

2 New Sections; Right of Accused; Jury Instruction. Amend RSA 519 by inserting after section 23 the following new sections:

519:23-a Right of Accused. In all criminal proceedings where the defendant has made a timely request, the court shall explicitly instruct the jury in accordance with RSA 519:23-b of its inherent right to disregard the law as well as the facts and to nullify.

519:23-b Text of Jury Instruction. The court instruction provided for in RSA 519:23-a shall be substantially as follows:

"The test you must use is this: If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty.

However, if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty. Ladies and gentlemen of the jury, the words for these instructions are chosen carefully. I emphasize the word "should" because you as jurors have the absolute right to decline to enter a verdict which could do violence to your conscience, even if you find that the state has proven its case beyond a reasonable doubt. On the contrary, if you find that the state has failed to prove any element of the crime beyond a reasonable doubt, you must find the defendant not guilty."

### AMENDED ANALYSIS

The bill states that a criminal defendant has a right that the court instruct the jury of its inherent right to disregard the law and the facts in controversy and to nullify.

Majority amendment adopted.

Rep. Craig spoke against and yielded to questions.

Rep. Mock spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

### YEAS 220 NAYS 149

#### YEAS 220

#### BELKNAP

Ahern, Omer Jr  
Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

Allen, Janet  
Flanders, Donald  
Pilliod, James  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

#### CARROLL

Babson, David Jr  
Kenney, Bettie  
Patten, Betsey

Brown, Carolyn  
McConkey, Mark

Dickinson, Howard  
Merrow, Harry

Hatch, Paul  
Mock, Henry

#### CHESHIRE

Dexter, Judson  
Liebl, George  
Weed, Charles

Fish, Douglas  
Robertson, Timothy

Hunt, John  
Royce, H Charles

Laurent, John  
Smith, Edwin

#### COOS

Brady, Mark

King, Frederick

Richardson, Herbert

Stohl, Eric

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Williams, Burton

Alger, John  
Eaton, Stephanie  
Ingbreton, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Sorg, Gregory

#### HILLSBOROUGH

Adams, Jarvis  
Balcom, John  
Bergeron, Jean-Guy  
Buhlman, David  
Cernota, Albert  
Coughlin, Pamela  
Elliott, Larry  
Gibson, John  
Hagan, Barbara  
Harrington, Paul  
Infantine, William

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Desmarais, Vivian  
Emerton, Larry  
Goulet, Maurice  
Haley, Robert  
Hawkins, Ken  
Jasper, Shawn

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Goyette, Peter Jr  
Hall, Charles  
Holden, Randolph  
Kurk, Neal

Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Carter, Mark  
Christiansen, Lars  
Drisko, Richard  
Fletcher, Richard  
Greenberg, Gary  
Hansen, Ryan  
Hopper, Gary  
L'Heureux, Robert

Lafamme, Charles  
Luebker, Bernard  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Sullivan, Jeffrey  
Wheeler, Robert

LaFlamme, Paul  
McRae, Karen  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Tahir, Saghir

Lawrence, James  
Mercer, Robert  
Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen  
Vaillancourt, Steve

Lessard, Rudy  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, James

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Gile, Mary  
Langer, Ray  
McCormick, Tom  
Reed, Dennis

Bouchard, Candace  
Field, William  
Kenison, Leon  
Leber, William  
Nutter, Edward  
Soltani, Tony

Colcord, J D  
Foley, Albert  
Kennedy, Richard  
Marple, Richard  
Osborne, Jessie

Currier, David  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy  
Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
Cady, Harriet  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
Morris, Richard  
Putnam, Ed II  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
DiFruscia, Anthony  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
Langone, John  
McCann, Richard  
Noyes, Richard  
Quandt, Matthew  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Bicknell, Elbert  
Carson, Sharon  
Dodge, Robert  
Dupuis, Roland  
Gilbert, Jeffrey  
Gould, Kenneth  
Hughes, Daniel  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Stitch, C Donald  
Welch, David

Bishop, Franklin  
Dalrymple, Janeen  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
McMahon, Charles  
Priestley, Anne  
Smith, Donald  
Tufts, J Arthur  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Musler, George  
Taylor, Kathleen

Bemis, Alan  
Easson, Timothy  
Newton, Clifford  
Twombly, James

Bickford, David  
Harrington, Michael  
Scott, David  
Woods, Phyllis

Campbell, W Packy  
Hollinger, Jeffrey  
Taylor, Katherine

### SULLIVAN

Flint, Gordon Sr

Leone, Richard

Rodeschin, Beverly

### NAYS 149

### BELKNAP

Clark, Charles

Fitzgerald, James

### CARROLL

Derby, Mark

Olimpio, J Lisbeth

Stevens, Stanley

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Parkhurst, Henry  
Slack, Pamela

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene

Dunn, James  
Meader, David  
Pratt, John

Eaton, Daniel  
Mitchell, McKim  
Richardson, Barbara

### COOS

Mears, Edgar  
Tholl, John Jr

Poulin, Richard

Pratt, Leighton

Theberge, Robert

**GRAFTON**

Almy, Susan  
Densmore, Edward  
Naro, Debra  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon

Bleyler, Ruth  
Ham, Bonnie  
Scovner, Nancy

Cooney, Mary  
Hammond, Lee  
Sokol, Hilda

**HILLSBOROUGH**

Arnold, Thomas Jr  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Gorman, Mary  
Irwin, Anne-Marie  
Kerns, J Edward  
Leach, Edward  
McHugh, Claire  
Palangas, Eric  
Shaw, Barbara  
Sweeney, Cynthia

Baroody, Benjamin  
Carlson, Donald  
Cote, Peter  
Ford, Nancy  
Graham, John  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
Messier, Irene  
Pappas, Christopher  
Spiess, Paul

Bergin, Peter  
Clayton, William  
Craig, James  
Gargas, Carolyn  
Hallyburton, Margaret  
Johnson, Lionel  
Kopka, Angeline  
Malloy, Chris  
Mooney, Maureen  
Pilotte, Maurice  
Sullivan, Francis

Brassard, Paul  
Clemons, Jane  
Crane, Elenore Casey  
Gonzalez, Carlos  
Haytayan, Harry Jr  
Katsiantonis, Thomas  
Lasky, Bette  
McDonough-Wallace, Alice  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

**MERRIMACK**

Blanchard, Elizabeth  
DeJoie, John  
Hamm, Christine  
MacKay, James  
Rush, Deanna

Brueggemann, Donald  
DeStefano, Stephen  
Hess, David  
Owen, Derek  
Wallner, Mary Jane

Clarke, Claire  
French, Barbara  
Jacobson, Alf  
Perkins, Randy

Davis, Frank  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances

**ROCKINGHAM**

Blanchard, MaryAnn  
Cooney, Richard  
Norelli, Terie  
Robertson, Carl  
Vallone, Matthew

Casey, Kimberley  
Francoeur, Sheila  
Pantelakos, Laura  
Ruffner, Walter  
Winchell, George

Clark, Vivian  
Holland, James Jr  
Pitts, Jacqueline  
Shultz, Elizabeth  
Zolla, William

Coes, Betsy  
Langley, Jane  
Rausch, James  
Splaine, James

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

Brown, Julie  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Rollo, Deanna  
Snyder, Clair

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Spang, Judith

**SULLIVAN**

Allison, David  
Franklin, Peter  
Phinzy, James

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

and the majority report was adopted.  
Ordered to third reading.

**HB 175**, relative to the admission to practice law and to bar association membership for attorneys.  
**MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS**  
Rep. John M. Pratt for the Majority of Judiciary: This bill is the same bill which passed both houses of the legislature last session but did not survive the governor's veto. It requires the New Hampshire Bar Association to hold a plebiscite once every five years on the question of whether the Bar should remain a unified Bar (i.e., membership in the Bar Association being mandatory for every attorney practicing in New Hampshire) or whether it should become a voluntary Bar Association. A majority of the votes cast by members of the Bar would be required for the Bar to continue as a unified bar. Vote 14-2.  
Rep. Gregory M. Sorg for the Minority of Judiciary: The amended bill empowers a majority of the New Hampshire bar to require the entire bar to be members of the New Hampshire Bar Associa-

tion. Although this is preferable to the present situation, whereby the supreme court by rule requires such membership without regard to the wishes of any bar member, the minority believes that the original bill, which would have ended compulsory membership on any basis, would have been better. The state has a legitimate interest in seeing to the regulation of admission to the practice of law and to the discipline of attorneys, but these functions can be handled by the supreme court outside the structure of the bar association. In every other respect, the New Hampshire Bar Association is a club, or fraternal or benevolent organization not unlike the Elks, Rotary or VFW, and there is no more justification for any element of compulsion in the joining of the Bar Association than there is in any other organization.

### **Majority Amendment (0548h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; State Bar Association. Amend RSA 311 by inserting after section 7-f the following new subdivision:

State Bar Association

311:7-g State Bar Association Membership; Vote Required.

I. The supreme court, pursuant to its power to regulate the practice of law under this chapter and its continuing supervisory authority over attorneys practicing before courts of this state, may assess fees for the purpose of regulating the practice of law and for maintaining a professional conduct committee.

II. The supreme court may require all persons engaged in the practice of law in this state to be members of the New Hampshire Bar Association; provided that the members of the Bar Association have approved the requirement pursuant to paragraph III.

III. The board of governors of the New Hampshire Bar Association shall place on the ballot with the election of officers of the Association, the following question: "Shall membership in the New Hampshire Bar Association be required for all attorneys licensed to practice in this state?" An affirmative vote of a majority of those voting on the question, shall allow for the requirement by the supreme court under paragraph II. Approval by the membership under this paragraph shall be valid for a 5-year period beginning on the date of the affirmative vote.

311:7-h Bar Association Legislative Activities.

I. The New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, shall be prohibited from using any part of dues paid by its members for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

II. If membership in the New Hampshire Bar Association is mandatory for attorneys under RSA 311:7-g, no person shall be permitted to engage in legislative activities on behalf of the New Hampshire Bar Association for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

III. The Bar Association may use a part of dues paid by its members, and may engage a person to lobby or influence the legislature on its behalf provided the Association:

(a) Limits its activities before the general court to those matters which are directly related to the regulation of the legal profession and improving the quality of legal services available to the people of the state. The scope of such permissible activities shall be narrowly defined; and

(b) Has determined that substantial unanimity exists within the bar as a whole in agreement with the position taken on a matter.

IV. Nothing in the section shall prevent officers and members of the Bar Association from appearing before the general court to express their views as individuals, as members of voluntary associations, or as representatives of clients.

V. Any member of the New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, may refuse to pay that portion of the Bar Association dues that are used for lobbying or influencing the legislature or other political matters.

311:7-i Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provisions or application, and to this end the provisions of this subdivision are severable.

2 Effective Date. This act shall take effect July 1, 2003.

## AMENDED ANALYSIS

This bill requires a vote at least every 5 years by licensed attorneys to authorize the supreme court to continue the requirement for mandatory membership in the New Hampshire Bar Association. The bill also defines when the New Hampshire Bar Association may lobby the general court. Majority amendment adopted.

Majority report adopted and ordered to third reading

Rep. Peter Sullivan declared a conflict of interest and did not participate.

**HB 491**, relative to unlawful discriminatory practices in public accommodations. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill sought to amend the statute regarding the state commission for human rights which makes it unlawful to discriminate against people on the basis of age, sex, race, color, marital status, physical or mental disability, creed, national origin or sexual orientation. This bill would have included in that list the right to keep and bear arms as enumerated in Part 1, article 2-a of the New Hampshire Constitution. The majority believes that one has to balance the rights of the owners of public accommodations against the rights of their establishments. Nine members of the Judiciary Committee felt that these owners should not be forced to accept people bearing arms into their places of business. Finally, in these times of heightened prevention against terrorist activity, it is not good policy to mandate the right to have arms in places of public accommodations, which include restaurants, barber shops, theaters, golf courses, sports arenas, music halls and other public places. Vote 9-6.

Adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

**HB 707-FN**, relative to the statute of limitations in sexual assault cases. **INEXPEDIENT TO LEGISLATE**

Rep. Terri C. Dudley for Judiciary: This bill would have extended the statute of limitations for civil suits for sexual assault cases under RSA 632-A and 639:2 from the present three years to 22 years following the victim's 18th birthday (to the age of 40); the same as in the criminal process. The committee felt that the purpose of a statute of limitations is to bring a case to a reasonable closure and to allow persons to get on with their lives. To allow possible civil suits to hang over our citizenry's heads for such a long period of time when evidence becomes stale, evidence is lost, and memories fade while jeopardizing the reputations and financial resources of respondents is unjust. It would further open the doors for fraudulent accusations late in life with monetary considerations the primary impetus for the suit. Vote 13-3.

Adopted.

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phyllis L. Woods for the Majority of Judiciary: The majority of the committee believes it's time to return parental rights to parents. Abortion is the only constitutionally protected medical procedure. That is why, in the absence of parental involvement law, abortion providers may perform secret abortions on minors without notifying the parent. This is, therefore, one of those circumstances where the state must be proactive in order to insure parental rights for our families and protection for our daughters. If we are to hold parents to the responsibilities and duties of parenthood, then it follows that we must not withhold information and knowledge about, and input into, decisions that affect their minor children's health care. This bill, with this language, has been upheld by the US Supreme Court which stated, "The medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature. An adequate medical and psychological case history is important to the physician. Parents can provide medical and psychological data..." A girl, age seventeen or younger, who finds herself in a crisis pregnancy, may not possess the emotional stability, knowledge of crucial family medical information, and the ability to comprehend long-term consequences of her actions. She is too young to make important life altering decisions on her own behalf without the benefit of a parent or guardian's counsel. While we recognize that some girls will talk to their parents in times of crisis, this bill is for the more typical girl who has a fairly good

relationship with her parents but is anxious and afraid because she is pregnant. For those girls who are determined not to involve their parents the bill provides for an exception, which is required by the Supreme Court, for a judicial bypass. Vote 10-9.

Rep. Nancy M. Ford for the Minority of Judiciary: The minority believes that a young woman who confronts an unplanned pregnancy will seek guidance and counsel from those adults who care for her most and know her best, including her parents. We also recognize that most young women (almost 2/3) do turn to their parents- whether or not mandatory notification laws have been enacted. However, we are compelled to protect the health and safety of teenage girls who live in family situations that are troubled and abusive and not open to healthy communication at the time of a crisis pregnancy. There is no magic formula for healthy parent-teen communication and we, as legislators, do not believe that enacting this law will improve these relationships at the time of a crisis pregnancy. Nor do we believe that a young woman should be subject to the intimidation and complexity of navigating the court process and placing her future in the hands of a judge. Current law recognizes that mature minors have the capacity to make important health decisions, including consent to prenatal care, to cesarean section and to other pregnancy services. Today in New Hampshire, young women faced with an unplanned pregnancy are provided with thorough, unbiased counseling and information by health care providers about their options. They are encouraged to involve their parents and other supportive adults in decision-making and medical treatment. When abusive situations are presented to health care providers and counselors, they are reported to child protection officials, as current law requires.

### **Majority Amendment (0703h)**

Amend RSA 132:27 through 132:30 as inserted by section 2 of the bill by replacing them with the following:

#### **132:27 Waiver of Notice.**

##### **I. No notice shall be required under RSA 132:26 if:**

(a) The attending abortion provider certifies in the pregnant minor's medical record that the abortion is necessary to prevent the minor's death and there is insufficient time to provide the required notice; or

(b) The person or persons who are entitled to notice certify in writing that they have been notified.

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court-appointed counsel, and shall, upon her request, provide her with such counsel.

(b) Proceedings in the court under this section shall be confidential and shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 7 calendar days from the time the petition is filed. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions.

(c) An expedited confidential appeal shall be available to any such pregnant minor for whom the court denies an order authorizing an abortion without notification. The court shall make a ruling within 7 calendar days from the time of the docketing of the appeal. An order authorizing an abortion without notification shall not be subject to appeal. No filing fees shall be required of any such pregnant minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a week.

132:28 Penalty. Performance of an abortion in violation of this subdivision shall be a misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant minor regarding information necessary to comply with this section are bone fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so.

132:29 Severability. If any provision of this subdivision or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this subdivision which can be given effect without the invalid provisions or applications, and to this end, the provisions of this subdivision are severable.

AMENDED ANALYSIS

This bill prohibits any abortion provider from performing an abortion on certain minors or incompetent females without giving 48 hours' written notice, in person or by certified mail, to a parent or guardian. The bill provides a procedure for alternate notice in certain circumstances.

This bill also establishes a procedure for waiver of the notice in certain circumstances.  
Majority amendment adopted.

MOTION TO LIMIT DEBATE

Rep. McKinney moved that the debate on *HB 763-FN*, requiring parental notification before abortions may be performed on unemancipated minors, be limited to 15 minutes for each side, including questions.

Adopted.

The question being adoption of the majority report.  
Reps. Lasky, Graham, Jacobson and Hager spoke against.  
Reps. Mooney, Woods, Vaillancourt and Lefebvre spoke in favor.  
Rep. Phyllis Woods requested a roll call; sufficiently seconded.  
The question being adoption of the majority report.

YEAS 187 NAYS 181

YEAS 187

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Thomas, John	Wendelboe, Fran

CARROLL

Brown, Carolyn	Derby, Mark	Hatch, Paul	Kenney, Bettie
Mock, Henry	Stevens, Stanley		

CHESHIRE

Fish, Douglas	Laurent, John	Liebl, George	Manning, Joseph
Parkhurst, Henry	Royce, H Charles		

COOS

Brady, Mark	King, Frederick	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Dorsett, Andrew	Dudley, Terri	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Naro, Debra
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bouchard, David	Brassard, Paul
Brundige, Robert	Bruno, Pierre	Buhlman, David	Cernota, Albert



Chabot, Robert	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Dionne, Kimberley	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Hagan, Barbara	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul	Hawkins, Ken
Hinkle, Peyton	Hopper, Gary	Infantine, William	Jasper, Shawn
Jean, Claudette	Kerns, J Edward	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lawrence, James	Lefebvre, Roland	Luebker, Bernard
McDonough-Wallace, Alice	McHugh, Claire	Mercer, Robert	Milligan, Robert
Mooney, Maureen	Mosher, William	O'Brien, Lori	Pappas, Marc
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James

**MERRIMACK**

DeStefano, Stephen	Dunne, Christopher	Field, William	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Leber, William	Nutter, Edward
Ouellette, Robert	Perkins, Randy	Reed, Dennis	Soltani, Tony

**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Cooney, Richard	DiFruscia, Anthony
Dodge, Robert	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flayhan, Mary Lou	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	Morris, Richard	Noyes, Richard
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Matthew
Roessner, Kurt	Ruffner, Walter	Smith, Donald	Smith, Paul
Stone, Joseph	Stritch, C Donald	Vallone, Matthew	Varrell, Thomas
Waterhouse, Kevin	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Harrington, Michael
Heon, Richard	Hollinger, Jeffrey	Musler, George	Newton, Clifford
Scott, David	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Donovan, Thomas	Rodeschin, Beverly
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**NAYS 181****BELKNAP**

Allen, Janet	Pilliod, James	Russell, David	Whalley, Michael
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**CARROLL**

Babson, David Jr	Dickinson, Howard	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Hunt, John	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Slack, Pamela	Smith, Edwin	Weed, Charles

**COOS**

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon

Alger, John  
Bleyler, Ruth  
Eaton, Stephanie  
Scovner, Nancy

Almy, Susan  
Cooney, Mary  
Ham, Bonnie  
Sokol, Hilda

Barker, Robert  
Densmore, Edward  
Hammond, Lee  
Solomon, Peter

**HILLSBOROUGH**

Barry, J Gail  
Carlson, Donald  
Clemons, Jane  
Desmarais, Vivian  
Gargas, Carolyn  
Haytayan, Harry Jr  
Katsiantonis, Thomas  
Lasky, Bette  
McRae, Karen  
Palangas, Eric  
Schulze, Joan  
Sullivan, Jeffrey

Bergin, Peter  
Carter, Mark  
Cote, David  
Dokmo, Cynthia  
Gorman, Mary  
Holden, Randolph  
Kony, Christine  
Leach, Edward  
Messier, Irene  
Pappas, Christopher  
Shaw, Barbara  
Wheeler, Robert

Buckley, Raymond  
Christensen, D L Chris  
Cote, Peter  
Drisko, Richard  
Graham, John  
Irwin, Anne-Marie  
Kopka, Angeline  
Lessard, Rudy  
Movsesian, Lori  
Ross, Lawrence  
Spiess, Paul

Cail, Kenneth  
Clayton, William  
Craig, James  
Ford, Nancy  
Greenberg, Gary  
Johnson, Lionel  
Kurk, Neal  
Malloy, Chris  
Ober, Russell III  
Scanlon, Michael  
Sullivan, Francis

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
Gile, Mary  
Kenison, Leon  
Marple, Richard  
Owen, Derek

Blanchard, Elizabeth  
Colcord, J D  
Foley, Albert  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Potter, Frances

Bouchard, Candace  
Currier, David  
Fraser, Leo Jr  
Hamm, Christine  
Lockwood, Priscilla  
McCormick, Tom  
Rush, Deanna

Brueggemann, Donald  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Osborne, Jessie  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Coes, Betsy  
Flanders, John Sr  
Gould, Kenneth  
Langley, Jane  
McMahon, Charles  
Rausch, James  
Tufts, J Arthur

Blanchard, MaryAnn  
Dalrymple, Janeen  
Francoeur, Sheila  
Hutchinson, Karen  
Manning, John  
Norelli, Terie  
Robertson, Carl

Casey, Kimberley  
Dearborn, Bruce  
Gilbert, Jeffrey  
Johnson, Robert  
McCann, Richard  
Pantelakos, Laura  
Shultis, Elizabeth

Clark, Vivian  
Duffy, James  
Gleason, John  
Kelley, Jane  
McKinney, Betsy  
Pitts, Jacqueline  
Splaine, James

**STRAFFORD**

Bickford, David  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Spang, Judith  
Wall, Janet

Creteau, Irene  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine

Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

and the majority report was adopted.  
Ordered to third reading.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Phyllis Woods moved that the House reconsider its action whereby it voted **HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors, Ought to Pass with Amendment.  
Rep. Marjorie Smith requested a roll call; sufficiently seconded.

**YEAS 174 NAYS 196****YEAS 174  
BELKNAP**

Allen, Janet	Pilliod, James	Russell, David
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**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Bettie	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth		

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Hunt, John	Meader, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Smith, Edwin
Weed, Charles			

**COOS**

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin	Barry, J Gail	Bergin, Peter	Buckley, Raymond
Cail, Kenneth	Carlson, Donald	Carter, Mark	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Gargas, Carolyn
Gorman, Mary	Graham, John	Greenberg, Gary	Haytayan, Harry Jr
Holden, Randolph	Irwin, Anne-Marie	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Leach, Edward
Lessard, Rudy	Malloy, Chris	McRae, Karen	Messier, Irene
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Ross, Lawrence	Scanlon, Michael	Schulze, Joan	Spiess, Paul
Sullivan, Francis	Wheeler, Robert		

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Kenison, Leon
Langer, Ray	Lockwood, Priscilla	Mackay, James	Marple, Richard
Maxfield, Roy	McCormick, Tom	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Dalrymple, Janeen	Dearborn, Bruce	Duffy, James
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gleason, John
Hutchinson, Karen	Johnson, Robert	Kelley, Jane	Langley, Jane
Manning, John	McCann, Richard	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Tufts, J Arthur	

**STRAFFORD**

Bickford, David	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra

Knowles, William  
Rous, Emma  
Spang, Judith  
Wall, Janet

Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine

Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

### **SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

### **NAYS 196**

#### **BELKNAP**

Ahern, Omer Jr  
Dewhirst, Glenn  
Lawton, David  
Whalley, Michael

Bartlett, Gordon  
Fitzgerald, James  
Nedeau, Stephen

Boyce, Laurie  
Flanders, Donald  
Thomas, John

Clark, Charles  
Holbrook, Robert  
Wendelboe, Fran

### **CARROLL**

Brown, Carolyn  
Patten, Betsey

Derby, Mark  
Philbrick, Donald

Hatch, Paul  
Stevens, Stanley

Mock, Henry

### **CHESHIRE**

Fish, Douglas  
Royce, H Charles

Laurent, John

Liebl, George

Manning, Joseph

### **COOS**

Brady, Mark  
Tholl, John Jr

King, Frederick

Richardson, Herbert

Stohl, Eric

### **GRAFTON**

Dorsett, Andrew  
Giuda, Robert  
Sorg, Gregory

Dudley, Terri  
Ingbreton, Paul  
Williams, Burton

Gilman, G Michael  
Maybeck, Margie

Gionet, Edmond  
Naro, Debra

### **HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Desmarais, Vivian  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
Jasper, Shawn  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
O'Brien, Lori  
Reeves, Sandra  
Souza, Kathleen  
Sweeney, Cynthia

Allen, Timothy  
Balcom, John  
Bouchard, David  
Buhlman, David  
Christiansen, Lars  
Dionne, Kimberley  
Ford, Nancy  
Goyette, Peter Jr  
Hallyburton, Margaret  
Hinkle, Peyton  
Jean, Claudette  
Lafamme, Charles  
Luebke, Bernard  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen  
Tahir, Saghir

Arnold, Thomas Jr  
Batula, Peter  
Brassard, Paul  
Cernota, Albert  
Coughlin, Pamela  
Elliott, Larry  
Gibson, John  
Hagan, Barbara  
Hansen, Ryan  
Hopper, Gary  
Johnson, Lionel  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Mooney, Maureen  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Jeffrey  
Vaillancourt, Steve

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Chabot, Robert  
Crane, Elenore Casey  
Fields, Dennis  
Gonzalez, Carlos  
Haley, Robert  
Harrington, Paul  
Infantine, William  
Kerns, J Edward  
Lawrence, James  
McHugh, Claire  
Mosher, William  
Price, Pamela  
Slocum, Lee  
Sullivan, Peter  
Wheeler, James

### **MERRIMACK**

Clarke, Claire  
Hess, David  
Nutter, Edward  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
Ouellette, Robert

Field, William  
L'Heureux, Stephen  
Perkins, Randy

Foley, Albert  
Leber, William  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Cooney, Richard	DiFruscia, Anthony
Dodge, Robert	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flayhan, Mary Lou	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Holland, James Jr
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
McMahon, Charles	Morris, Richard	Noyes, Richard	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Matthew	Roessner, Kurt
Ruffner, Walter	Smith, Donald	Smith, Paul	Stone, Joseph
Stritch, C Donald	Vallone, Matthew	Varrell, Thomas	Waterhouse, Kevin
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Harrington, Michael
Heon, Richard	Hollinger, Jeffrey	Musler, George	Newton, Clifford
Scott, David	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Donovan, Thomas      Rodeschin, Beverly  
and reconsideration failed.

**REGULAR CALENDAR (CONT'D.)**

**HB 811**, relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof, and relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill will protect firearm manufacturers and dealers from suit over the criminal use of the manufacturers' non-defective product. There have been suits in other states that have put dealers out of business with the legal fees even though they may prevail. While there have been no direct cases here, the committee believes that it is only a matter of time before a suit will be brought in this state. Already the suits in other states have affected New Hampshire manufacturers. The president of one New Hampshire company testified that it has cost his company almost a half a million dollars to defend just two claims against his company, both of which have been dismissed. The committee believes that this bill must pass to protect the firearms industry in New Hampshire. Vote 9-6.

**Amendment (0756h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to:

I. Prohibit civil liability causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition for the harm caused by the criminal or unlawful use of their products by others.

II. Preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

2 New Section; Liability Limitation for Manufacturers, Distributors, Dealers, or Importers of Firearms or Ammunition. Amend RSA 508 by inserting after section 20 the following new section:

508:21 Liability Limited; Manufacturers, Distributors, Dealers, or Importers of Firearms or Ammunition.

I. In this section:

(a) "Manufacturer" means:

(1) A person who is engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product.

(2) A seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person.

(3) Any seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(b) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(c) "Qualified product" means a firearm or ammunition or a component part of a firearm or ammunition, manufactured in compliance with federal and state law, that has been shipped or transported in intrastate, interstate, or foreign commerce.

(d) "Qualified civil liability action" means a civil action, in law or in equity, brought by any person against a manufacturer or seller or a trade association of a qualified product, for damages resulting from the criminal or unlawful use of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or trade organization convicted of a felony under state or federal law, by a party directly harmed by the felonious conduct.

(e) "Seller" means, with respect to a qualified product, a person who:

(1) In the course of a business conducted for that purpose sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce.

(2) Installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(f) "Trade association" means a federal, state, or local trade association which has one or more members which are manufacturers or sellers of a qualified product.

II. A qualified civil liability action shall not be brought in any state court.

3 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

This bill limits the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

Adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 278 NAYS 92

#### YEAS 278

##### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Russell, David

Allen, Janet  
Dewhirst, Glenn  
Lawton, David  
Thomas, John

Bartlett, Gordon  
Fitzgerald, James  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Flanders, Donald  
Pilliod, James  
Whalley, Michael

##### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

##### CHESHIRE

Dexter, Judson  
Laurent, John  
Smith, Edwin

Eaton, Daniel  
Liebl, George

Fish, Douglas  
Manning, Joseph

Hunt, John  
Royce, H Charles

##### COOS

Brady, Mark  
Pratt, Leighton

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dorsett, Andrew  
Giuda, Robert  
Naro, Debra

Alger, John  
Dudley, Terri  
Ham, Bonnie  
Sorg, Gregory

Almy, Susan  
Gilman, G Michael  
Ingbretson, Paul  
Williams, Burton

Barker, Robert  
Gionet, Edmond  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Batula, Peter  
Bouchard, David  
Buhlman, David  
Cernota, Albert  
Clayton, William  
Dionne, Kimberley  
Emerton, Larry  
Gibson, John  
Graham, John  
Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
Kerns, J Edward  
LaFlamme, Paul  
Luebker, Bernard  
Messier, Irene  
Mosesian, Lori  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Tahir, Saghir

Allen, Timothy  
Balcom, John  
Beaton, William  
Brassard, Paul  
Cail, Kenneth  
Chabot, Robert  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Infantine, William  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Spiess, Paul  
Vaillancourt, Steve

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Goulet, Maurice  
Hagan, Barbara  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Mooney, Maureen  
Ober, Russell III  
Reeves, Sandra  
Shaw, Barbara  
Stepanek, Stephen  
Wheeler, James

Artz, Lawrence  
Barry, J Gail  
Bergin, Peter  
Bruno, Pierre  
Carter, Mark  
Christiansen, Lars  
Desmarais, Vivian  
Elliott, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Haley, Robert  
Harrington, Paul  
Holden, Randolph  
Johnson, Lionel  
Laflamme, Charles  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Palangas, Eric  
Ross, Lawrence  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Currier, David  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom  
Soltani, Tony

Blanchard, Elizabeth  
Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
Mackay, James  
Nutter, Edward

Clarke, Claire  
Field, William  
Hess, David  
Langer, Ray  
Marple, Richard  
Ouellette, Robert

Colcord, J D  
Foley, Albert  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
DiFrancia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Pitts, Jacqueline  
Rausch, James  
Smith, Donald  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Hughes, Daniel  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Noyes, Richard  
Priestley, Anne  
Robertson, Carl  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Bishop, Franklin  
Carson, Sharon  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Pantelakos, Laura  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Welch, David  
Winchell, George

**STRAFFORD**

Albert, Russell  
Campbell, W Packy  
Harrington, Michael  
Knowles, William  
Twombly, James

Bemis, Alan  
Cataldo, Sam  
Heon, Richard  
Musler, George  
Woods, Phyllis

Berube, Roger  
Dunlap, Patricia  
Hollinger, Jeffrey  
Newton, Clifford

Bickford, David  
Easson, Timothy  
Johnson, Nancy  
Scott, David

**SULLIVAN**

Cloutier, John  
Harris, Sandra  
Rodeschin, Beverly

Ferland, Brenda  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

Harris, Joseph  
Phinizy, James

**NAYS 92  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Meader, David  
Pratt, John  
Weed, Charles

Batchelder, Robert  
Mitchell, McKim  
Richardson, Barbara

Dunn, James  
Parkhurst, Henry  
Robertson, Timothy

Espieffs, Peter  
Pratt, Irene  
Slack, Pamela

**COOS**

Theberge, Robert

**GRAFTON**

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Eaton, Stephanie  
Sokol, Hilda

Cooney, Mary  
Hammond, Lee  
Solomon, Peter

Densmore, Edward  
Nordgren, Sharon

**HILLSBOROUGH**

Buckley, Raymond  
Craig, James  
Jean, Claudette  
Lasky, Bette  
Pilotte, Maurice  
Sweeney, Cynthia

Clemons, Jane  
Ford, Nancy  
Katsiantonis, Thomas  
Malloy, Chris  
Schulze, Joan

Cote, David  
Gorman, Mary  
Konys, Christine  
McDonough-Wallace, Alice  
Sullivan, Francis

Cote, Peter  
Irwin, Anne-Marie  
Kopka, Angeline  
Pappas, Christopher  
Sullivan, Peter

**MERRIMACK**

Bouchard, Candace  
DeStefano, Stephen  
Jacobson, Alf  
Potter, Frances

Brueggemann, Donald  
French, Barbara  
Osborne, Jessie  
Reardon, Tara

Davis, Frank  
Gile, Mary  
Owen, Derek  
Rush, Deanna

DeJoie, John  
Hamm, Christine  
Perkins, Randy  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
McEachern, Paul  
Vallone, Matthew

Casey, Kimberley  
Norelli, Terie

Coes, Betsy  
Shultis, Elizabeth

Gould, Kenneth  
Splaine, James

**STRAFFORD**

Callaghan, Frank  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

Creteau, Irene  
Keans, Sandra  
Rous, Emma  
Spang, Judith  
Wall, Janet

Grassie, Anne  
Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine

Hofemann, Roland  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
and the committee report was adopted.  
Ordered to third reading.  
Rep. Wall voted Nay and intended to vote Yea.

Donovan, Thomas

Franklin, Peter



**HB 821**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Corey E. Corbin for the Majority of Labor, Industrial and Rehabilitative Services: This bill basically would prevent the assessment of agency fees upon non-members of a labor union. The non-members, however, have an obligation to pay their fair share of the costs associated with contract negotiations and collective bargaining, as they enjoy all the wages and benefits as full dues-paying members, negotiated for them by the unions. This bill was comparable to a citizen stating they should not have to pay the education property tax because they have no kids, despite the benefit we all receive from well-educated kids. As a result, and the overwhelming show of opposition to this bill (nearly 10-1 in testimony) the bill was reported ITL. Vote 13-6.

Rep. Jarvis M. Adams for the Minority of Labor, Industrial and Rehabilitative Services: There is a fundamental first amendment right of free association that is violated when government regulates the private lives of workers by forcing them to financially subsidize unions against their wishes. In addition, This bill, if passed, would improve the health of unions and our economy by making unions more user-friendly.

### MOTION TO LAY ON THE TABLE

Rep. Hunt moved that **HB 821**, establishing a right to work act which provides for freedom of choice on whether to join a labor union, be laid on the table.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay the bill on the table.

**YEAS 105 NAYS 264**

#### YEAS 105

#### BELKNAP

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Thomas, John	Whalley, Michael

#### CARROLL

Kenney, Bettie	McConkey, Mark	Mock, Henry
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#### CHESHIRE

Hunt, John	Liebl, George
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#### COOS

Brady, Mark	Pratt, Leighton
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#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Giuda, Robert	Ingbreton, Paul	Williams, Burton

#### HILLSBOROUGH

Arnold, Thomas Jr	Beaton, William	Bouchard, David	Brundige, Robert
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Hallyburton, Margaret	Harrington, Paul
Haytayan, Harry Jr	Hinkle, Peyton	Infantine, William	Kurk, Neal
LaFlamme, Paul	Lawrence, James	Lessard, Rudy	McHugh, Claire
McRae, Karen	Mercer, Robert	Mosher, William	Ober, Russell III
Reeves, Sandra	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Stepanek, Stephen	Wheeler, Robert		

#### MERRIMACK

Anderson, Eric	Fraser, Leo Jr	Hess, David	Kennedy, Richard
Langer, Ray	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
McCormick, Tom	Nutter, Edward	Ouellette, Robert	Soltani, Tony

**ROCKINGHAM**

Belanger, Ronald  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Johnson, Rogers  
Letourneau, Robert  
Smith, Paul  
Weyler, Kenneth

Bicknell, Elbert  
Dearborn, Bruce  
Flayhan, Mary Lou  
Griffin, Mary  
Katsakiores, George  
Major, Norman  
Stone, Joseph

Cady, Harriet  
Dodge, Robert  
Francoeur, Sheila  
Hutchinson, Karen  
Katsakiores, Phyllis  
Manning, John  
Varrell, Thomas

Clark, Vivian  
Duffy, James  
Gilbert, Jeffrey  
Introne, Robert  
Langley, Jane  
Rausch, James  
Waterhouse, Kevin

**STRAFFORD**

Bemis, Alan  
Scott, David

Bickford, David  
Tombly, James

Campbell, W Packy

Easson, Timothy

**SULLIVAN**

Rodeschin, Beverly

**NAYS 264****BELKNAP**

Ahern, Omer Jr  
Nedeau, Stephen

Clark, Charles  
Pilliod, James

Fitzgerald, James  
Russell, David

Flanders, Donald  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Philbrick, Donald

Brown, Carolyn  
Morrow, Harry  
Stevens, Stanley

Derby, Mark  
Olimpio, J Lisbeth

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Allen, Peter  
Eaton, Daniel  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles

Batchelder, Robert  
Espieffs, Peter  
Meador, David  
Pratt, John  
Slack, Pamela

Dexter, Judson  
Fish, Douglas  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Dunn, James  
Laurent, John  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

**COOS**

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

Poulin, Richard  
Tholl, John Jr

Richardson, Herbert

**GRAFTON**

Almy, Susan  
Densmore, Edward  
Gionet, Edmond  
Naro, Debra  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Ham, Bonnie  
Nordgren, Sharon  
Sorg, Gregory

Bleyler, Ruth  
Dorsett, Andrew  
Hammond, Lee  
Scovner, Nancy

Cooney, Mary  
Gilman, G Michael  
Maybeck, Margie  
Sokol, Hilda

**HILLSBOROUGH**

Adams, Jarvis  
Baroody, Benjamin  
Bergin, Peter  
Buhlman, David  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Greenberg, Gary  
Hansen, Ryan

Allen, Timothy  
Barry, J Gail  
Brassard, Paul  
Cail, Kenneth  
Clemons, Jane  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Hagan, Barbara  
Hawkins, Ken

Artz, Lawrence  
Batula, Peter  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Haley, Robert  
Holden, Randolph

Balboni, Michael  
Bergeron, Jean-Guy  
Buckley, Raymond  
Cernota, Albert  
Cote, Peter  
Dionne, Kimberley  
Emerton, Larry  
Gorman, Mary  
Hall, Charles  
Hopper, Gary

Irwin, Anne-Marie  
Katsiantonis, Thomas  
L'Heureux, Robert  
Lefebvre, Roland  
Messier, Irene  
O'Brien, Lori  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Jeffrey  
Vaillancourt, Steve

Jasper, Shawn  
Kerns, J Edward  
Laflamme, Charles  
Luebker, Bernard  
Milligan, Robert  
Palangas, Eric  
Price, Pamela  
Souza, Kathleen  
Sullivan, Peter  
Wheeler, James

Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Malloy, Chris  
Mooney, Maureen  
Pappas, Christopher  
Ross, Lawrence  
Spiess, Paul  
Sweeney, Cynthia

Johnson, Lionel  
Kopka, Angeline  
Leach, Edward  
McDonough-Wallace, Alice  
Movsesian, Lori  
Pappas, Marc  
Schulze, Joan  
Sullivan, Francis  
Tahir, Saghir

### MERRIMACK

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

Bouchard, Candace  
Currier, David  
Dunne, Christopher  
Gile, Mary  
Kenison, Leon  
Osborne, Jessie  
Reardon, Tara

Brueggemann, Donald  
Davis, Frank  
Field, William  
Hager, Elizabeth  
L'Heureux, Stephen  
Owen, Derek  
Reed, Dennis

Clarke, Claire  
DeJoie, John  
Foley, Albert  
Hamm, Christine  
Leber, William  
Perkins, Randy  
Rush, Deanna

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Cooney, Richard  
Flanders, John Sr  
Hamel, Albert  
Ingram, Russell  
Kobel, Rudolph  
McKinney, Betsy  
Noyes, Richard  
Priestley, Anne  
Roessner, Kurt  
Splaine, James  
Welch, David  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Gillick, Thomas  
Headd, James  
Itse, Daniel  
Langone, John  
McMahon, Charles  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weldy, Norman Jr

Blanchard, MaryAnn  
Casey, Kimberley  
Dumaine, Dudley  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
McCann, Richard  
Morris, Richard  
Pantelakos, Laura  
Quandt, Matthew  
Shultz, Elizabeth  
Tufts, J Arthur  
Wiley, Robert

Bridle, Russell  
Coes, Betsy  
Dupuis, Roland  
Gould, Kenneth  
Hughes, Daniel  
Kelley, Jane  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Robertson, Carl  
Smith, Donald  
Vallone, Matthew  
Winchell, George

### STRAFFORD

Albert, Russell  
Creteau, Irene  
Heon, Richard  
Kaen, Naida  
Musler, George  
Rous, Emma  
Spang, Judith  
Wall, Janet

Berube, Roger  
Dunlap, Patricia  
Hofemann, Roland  
Keans, Sandra  
Newton, Clifford  
Schmidt, Peter  
Taylor, Katherine  
Woods, Phyllis

Callaghan, Frank  
Grassie, Anne  
Hollinger, Jeffrey  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Cataldo, Sam  
Harrington, Michael  
Johnson, Nancy  
Miller, Joseph  
Rollo, Deanna  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinzy, James

Ferland, Brenda  
Harris, Sandra

and the motion to Lay on the Table failed.

The question now being adoption of the majority report.

Rep. Weyler spoke against and yielded to questions.

Reps. Jane Kelley and DiFruscia spoke in favor.

Rep. Heon spoke in favor and yielded to questions.

Rep. Jane Kelley requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 262 NAYS 103****YEAS 262  
BELKNAP**

Clark, Charles  
Pilliod, James

Fitzgerald, James  
Russell, David

Holbrook, Robert  
Whalley, Michael

Nedeau, Stephen

**CARROLL**

Dickinson, Howard

Kenney, Bettie

Olimpio, J Lisbeth

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Eaton, Daniel  
Meador, David  
Pratt, John  
Slack, Pamela

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Dexter, Judson  
Fish, Douglas  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Dunn, James  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles

**COOS**

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Giuda, Robert  
Scovner, Nancy

Almy, Susan  
Densmore, Edward  
Hammond, Lee  
Sokol, Hilda

Benn, Bernard  
Diamond, Estelle  
Naro, Debra  
Solomon, Peter

Bleyler, Ruth  
Gionet, Edmond  
Nordgren, Sharon

**HILLSBOROUGH**

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Christensen, D L Chris  
Cote, Peter  
Desmarais, Vivian  
Fields, Dennis  
Gorman, Mary  
Haley, Robert  
Hopper, Gary  
Johnson, Lionel  
L'Heureux, Robert  
Lawrence, James  
Malloy, Chris  
Mosher, William  
Pappas, Christopher  
Rowe, Robert  
Spiess, Paul  
Sweeney, Cynthia

Balboni, Michael  
Bergeron, Jean-Guy  
Buckley, Raymond  
Clayton, William  
Coughlin, Pamela  
Dionne, Kimberley  
Fletcher, Richard  
Goyette, Peter Jr  
Hall, Charles  
Infantine, William  
Katsiantonis, Thomas  
Laflamme, Charles  
Leach, Edward  
McDonough-Wallace, Alice  
Movesian, Lori  
Pappas, Marc  
Scanlon, Michael  
Sullivan, Francis  
Tahir, Saghir

Baroody, Benjamin  
Bergin, Peter  
Cail, Kenneth  
Clemons, Jane  
Craig, James  
Elliott, Larry  
Ford, Nancy  
Greenberg, Gary  
Harrington, Paul  
Irwin, Anne-Marie  
Konys, Christine  
LaFlamme, Paul  
Lefebvre, Roland  
Messier, Irene  
O'Brien, Lori  
Pilotte, Maurice  
Schulze, Joan  
Sullivan, Jeffrey  
Vaillancourt, Steve

Batula, Peter  
Brassard, Paul  
Chabot, Robert  
Cote, David  
Crane, Elenore Casey  
Emerton, Larry  
Gargas, Carolyn  
Hagan, Barbara  
Holden, Randolph  
Jean, Claudette  
Kopka, Angeline  
Lasky, Bette  
Lessard, Rudy  
Milligan, Robert  
Palangas, Eric  
Reeves, Sandra  
Shaw, Barbara  
Sullivan, Peter  
Wheeler, Robert

**MERRIMACK**

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna

Bouchard, Candace  
Currier, David  
Foley, Albert  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Potter, Frances  
Soltani, Tony

Brueggemann, Donald  
Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Osborne, Jessie  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
DeJoie, John  
French, Barbara  
Hess, David  
Langer, Ray  
Owen, Derek  
Reed, Dennis

**ROCKINGHAM**

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Carson, Sharon	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hutchinson, Karen	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Norelli, Terie	Noyes, Richard	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Quandt, Matthew	Robertson, Carl
Ruffner, Walter	Shultis, Elizabeth	Smith, Donald	Smith, Paul
Splaine, James	Stritch, C Donald	Tufts, J Arthur	Vallone, Matthew
Varrell, Thomas	Waterhouse, Kevin	Welch, David	Weldy, Norman Jr
Wiley, Robert	Winchell, George	Zolla, William	

**STRAFFORD**

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Cataldo, Sam	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Harrington, Michael	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Musler, George	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	

**NAYS 103****BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhirst, Glenn	Flanders, Donald	Lawton, David	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
McConkey, Mark	Morrow, Harry	Mock, Henry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Hunt, John	Laurent, John	Liebl, George
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**COOS**

Brady, Mark

**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory	Williams, Burton	

**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Barry, J Gail
Bouchard, David	Brundige, Robert	Buhlman, David	Carlson, Donald

Carter, Mark	Cernota, Albert	Christiansen, Lars	Dokmo, Cynthia
Drisko, Richard	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Hallyburton, Margaret	Hansen, Ryan	Hawkins, Ken
Haytayan, Harry Jr	Hinkle, Peyton	Jasper, Shawn	Kurk, Neal
Luebker, Bernard	McHugh, Claire	McRae, Karen	Mercer, Robert
Mooney, Maureen	Ober, Russell III	Price, Pamela	Ross, Lawrence
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Wheeler, James

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Field, William	Leber, William
Marple, Richard	McCormick, Tom	Nutter, Edward	Ouellette, Robert

**ROCKINGHAM**

Allen, Mary	Cady, Harriet	Camm, Kevin	Clark, Vivian
Dearborn, Bruce	Dodge, Robert	Flayhan, Mary Lou	Gilbert, Karl
Hughes, Daniel	Introne, Robert	Johnson, Rogers	Langley, Jane
Morris, Richard	Putnam, Ed II	Rausch, James	Roessner, Kurt
Stone, Joseph	Weyler, Kenneth		

**STRAFFORD**

Bemis, Alan	Campbell, W Packy	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Rodeschin, Beverly  
and the majority report was adopted.

**HB 282, relative to granting solid waste management facility permits. INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The legislation proposed by this bill seeks to restore a provision in state law that was removed by Chapter 251 Laws of 1996 because it placed the Department of Environmental Services in the position of making determinations about local land use matters and disputes. The process of issuing a standard facility permit by the Department under the provisions of RSA 149-M:9 and Part Env-Wm 314 of the New Hampshire Solid Waste Rules is a time consuming process designed to protect our groundwater and environment. At the current time, the Waste Management Division determines the terms and conditions of the permit based on representations made in the application. Every Solid Waste Management Facility Standard Permit issued contains a statement that the permit "shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, license and approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility". Currently North Country Environmental Services Inc. operates a double lined landfill for disposal of certain types of waste as listed in their permit. The sponsor of this bill would like to change RSA 149-M:9 to require that a "permit for a private facility shall not be effective unless and until the applicant submits evidence that the facility has received all applicable local approvals". In essence, this would put the waste management division back in the business of determining what local ordinances or approvals are required and satisfied. The director told the committee that the waste management division does not have the expertise or authority to make those determinations. The towns in the Pemi-Baker Waste District all voiced their opposition to this change in the process. Some citizens of the Town of Bethlehem would like to have an avenue to close the landfill, have their issues be heard and find someplace else to locate the landfill. At the moment the avenue is in the courts and the committee believes that this is the best place to leave it and voted the bill Inexpedient to Legislate. Vote 10-5.

Adopted.

**HB 301, relative to the property tax exemption for certain pollution control facilities. INEXPEDIENT TO LEGISLATE**

Rep. Ronald L. Dupuis for Municipal and County Government: This bill is one of two bills introduced this session on behalf of the Town of Bethlehem. Since 1971, the state has sought to encour-

age the construction of pollution control facilities by exempting such facilities from real property taxes pursuant to RSA 72:12-a. This bill would modify RSA 72:12-a to eliminate this incentive for owners of landfills and solid waste incinerators. However, it was the majority opinion of the committee that this legislation targeted a particular industry in a particular area and passage would have state-wide impact and would be detrimental to the important objective of RSA 72:12-a. The committee also concluded that the Department of Environmental Services has the expertise to continue to investigate and determine the percentage of exemptions allowed for any business that invests in any devices or appliances installed wholly or in part for the purpose of reducing, controlling, or eliminating any sources of air or water pollution as currently stated in RSA 72:12-a. The section of the bill that allows local municipalities to vote on an annual basis to continue any exemptions would unfairly penalize businesses that have made long range investments in such pollution control devices in reliance on the statute. The committee does not recommend the bill because (1) it is not the legislature's role to intervene in disputes between municipalities and property owners and (2) it is important to maintain across-the-board incentives to control pollution for the well-being of the state as a whole. Vote 10-5.

Adopted.

**HB 311**, repealing the distribution of family planning service lists by the town clerk. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kenneth H. Gould for the Majority of Municipal and County Government: Town clerks have been required to supply certain brochures to marriage license applicants. This has been an encumbrance for town clerks. The committee has amended the bill so town clerks will not be required to hand out any brochures with marriage licenses. Three brochures are affected: 1) family planning; 2) fetal alcohol syndrome; and 3) human immunodeficiency virus. Since the information is readily available from many community health centers, and the committee heard testimony that very few referrals have come from the town clerk's distribution, this bill was amended to remove that distribution. Vote 10-1.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: In the belief that the distribution of information on fetal alcohol syndrome and auto immune deficiency disease through the town clerk upon issuance of a marriage license should not be removed from RSA 457:28-a, the minority feels that this amended bill will strip the people of New Hampshire of a primary valuable source of health information. This information may help to prevent the spread of AIDS and the health and education problems found in infants and children. This bill should be passed as introduced.

**Majority Amendment (0809h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

Amend the bill by replacing all after the enacting clause with the following:

I Repeal. The following are repealed:

I. RSA 132:2, XI, relative to the brochure on fetal alcohol syndrome, prepared by the department of health and human services, for persons applying for a marriage license.

II. RSA 141-F:3, XIII, relative to the informational brochure concerning the human immunodeficiency virus, prepared by the department of health and human services, for persons applying for a marriage license.

III. RSA 457:23, II and III, relative to the requirement that a person applying for a marriage license receive a brochure concerning fetal alcohol syndrome and the human immunodeficiency virus.

IV. RSA 457:28-a, relative to the list of family planning services provided by the town clerk to persons applying for a marriage license.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill repeals the requirement that the town clerk distribute family planning service lists and brochures on fetal alcohol syndrome and human immunodeficiency virus to marriage license recipients.

The bill also repeals the requirement that the department of health and human services prepare pamphlets relative to fetal alcohol syndrome and human immunodeficiency virus for distribution to persons applying for a marriage license.

Majority amendment adopted.

On a division vote, 273 members having voted in the affirmative and 65 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 315**, establishing a committee to study methods for accelerating appeals of denials of residential development permits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth H. Gould for the Majority of Municipal and County Government: Some folks are concerned about a housing shortage. Some folks are concerned about too many children to educate. Some folks want to study methods of accelerating the appeal process for denials of residential development. Some folks want to free marketplace to be allowed to work. The committee was split and after three failed motions, finally recommended against this study committee. Vote 8-6. Rep. Nancy K. Johnson for the Minority of Municipal and County Government: The minority felt that establishing a committee to study methods for accelerating appeals of denials has merit. Currently, civil cases to Superior Court, due to denials of residential development at the local level, come last on the docket. This causes delays that cost applicants additional money. The lack of housing development, especially affordable housing in the state, impacts businesses and our ability to stimulate economic development.

Majority report adopted.

**HB 335**, relative to the regulation of the operation of OHRVs. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to address the operation of any OHRV that "unreasonably" disturbs "the quiet enjoyment of persons in a residential area." The bill also provided a penalty section and permitted the local legislative body of a city, town or county in which there are located unincorporated towns or unorganized places to adopt a zoning ordinance to regulate or control off highway recreational vehicle use. Most of the committee feels that RSA 644:2,III,(a) already provides more than sufficient statutory authority to prevent the unreasonable disturbance and any other health risk that may be associated with the operation of OHRVs. RSA 644:2,III,(a) states a person is guilty of disorderly conduct if he purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities. Vote 10-5.

Adopted.

**HB 399**, establishing the town of East Derry. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Priscilla P. Lockwood for the Majority of Municipal and County Government: This bill as introduced would have enabled the residents of East Derry to vote on establishing a separate Town of East Derry apart from the town of Derry. The solutions proposed in this bill mirrored a Weirs Beach secession attempt in 1991. The Municipal and County Government Committee at that time re-referred the issue, spent time listening to input from the local level, and put forth possible specific solutions. In the end, the Senate killed the bill. The current Derry delegation overwhelmingly opposes this bill (10-1), even with the possibility of having the whole town of Derry vote, and the town councilors from East Derry are also opposed. The problems brought forth were ones the committee felt could be handled within the town itself through its charter, making legislation necessary. Vote 10-6.

Rep. David L. Buhlman for the Minority of Municipal and County Government: The minority of the committee feels that the voters in Derry deserve to make the choice about their municipal boundaries at the voting booth in Derry. A significant effort was made by those who favor secession, and such an effort should be honored in Concord by allowing the vote to take place in Derry on this local issue. Clearly such a serious effort, that involved so much hard work on the part of many citizens, was not undertaken lightly. Let the local voters have their say.

Rep. Dupuis requested a roll call; sufficiently seconded.

The question being adoption of the majority report.



**YEAS 279 NAYS 69****YEAS 279****BELKNAP**

Allen, Janet  
Flanders, Donald  
Pilliod, James  
Whalley, Michael

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Thomas, John

Fitzgerald, James  
Nedeau, Stephen  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Liebl, George  
Parkhurst, Henry  
Royce, H Charles

Batchelder, Robert  
Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Dexter, Judson  
Hunt, John  
Meader, David  
Richardson, Barbara  
Smith, Edwin

Dunn, James  
Laurent, John  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Brady, Mark  
Richardson, Herbert

King, Frederick  
Stohl, Eric

Poulin, Richard  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Dorsett, Andrew  
Gionet, Edmond  
Scovner, Nancy

Alger, John  
Cooney, Mary  
Dudley, Terri  
Giuda, Robert  
Sokol, Hilda

Almy, Susan  
Densmore, Edward  
Eaton, Stephanie  
Ham, Bonnie  
Sorg, Gregory

Barker, Robert  
Diamond, Estelle  
Gilman, G Michael  
Hammond, Lee  
Williams, Burton

**HILLSBOROUGH**

Artz, Lawrence  
Bergin, Peter  
Bruno, Pierre  
Cernota, Albert  
Cote, David  
Desmarais, Vivian  
Elliott, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hall, Charles  
Hopper, Gary  
Kopka, Angeline  
Lasky, Bette  
McHugh, Claire  
Milligan, Robert  
Ober, Russell III  
Ross, Lawrence  
Spiess, Paul  
Sullivan, Peter  
Wheeler, Robert

Balboni, Michael  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Cote, Peter  
Dionne, Kimberley  
Fields, Dennis  
Gonzalez, Carlos  
Graham, John  
Hansen, Ryan  
Infantine, William  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Mosher, William  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen  
Sweeney, Cynthia

Baroody, Benjamin  
Brassard, Paul  
Carlson, Donald  
Christensen, D L Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Greenberg, Gary  
Hawkins, Ken  
Irwin, Anne-Marie  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
Movsesian, Lori  
Price, Pamela  
Schulze, Joan  
Sullivan, Francis  
Tahir, Saghir

Batula, Peter  
Brundige, Robert  
Carter, Mark  
Clayton, William  
Craig, James  
Drisko, Richard  
Ford, Nancy  
Goulet, Maurice  
Haley, Robert  
Haytayan, Harry Jr  
Johnson, Lionel  
Laflamme, Charles  
Malloy, Chris  
Messier, Irene  
O'Brien, Lori  
Reeves, Sandra  
Shaw, Barbara  
Sullivan, Jeffrey  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
DeStefano, Stephen

Blanchard, Elizabeth  
Colcord, J D  
Dunne, Christopher

Bouchard, Candace  
Currier, David  
Fraser, Leo Jr

Brueggemann, Donald  
DeJoie, John  
French, Barbara

Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Owen, Derek  
Rush, Deanna

Hamm, Christine  
Langer, Ray  
Marple, Richard  
Perkins, Randy  
Wallner, Mary Jane

Hess, David  
Leber, William  
Nutter, Edward  
Potter, Frances

Jacobson, Alf  
Lockwood, Priscilla  
Osborne, Jessie  
Reed, Dennis

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dumaine, Dudley  
Gilbert, Jeffrey  
Gould, Kenneth  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
Manning, John  
Norelli, Terie  
Pitts, Jacqueline  
Roessner, Kurt  
Stone, Joseph  
Varrell, Thomas  
Wiley, Robert

Blanchard, MaryAnn  
Carson, Sharon  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Noyes, Richard  
Priestley, Anne  
Shultis, Elizabeth  
Stritch, C Donald  
Waterhouse, Kevin  
Winchell, George

Bridle, Russell  
Casey, Kimberley  
Dearborn, Bruce  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Zolla, William

Cady, Harriet  
Coes, Betsy  
Dodge, Robert  
Francœur, Sheila  
Gleason, John  
Headd, James  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Pantelakos, Laura  
Robertson, Carl  
Smith, Paul  
Vallone, Matthew  
Weldy, Norman Jr

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Easson, Timothy  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Woods, Phyllis

Bemis, Alan  
Cataldo, Sam  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Snyder, Clair  
Twombly, James

Berube, Roger  
Creteau, Irene  
Hollinger, Jeffrey  
Miller, Joseph  
Rous, Emma  
Spang, Judith  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Kaen, Naida  
Newton, Clifford  
Schmidt, Peter  
Taylor, Katherine  
Wall, Janet

### SULLIVAN

Allison, David  
Harris, Sandra

Cloutier, John  
Jones, Constance

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Rodeschin, Beverly

### NAYS 69

### BELKNAP

Ahern, Omer Jr

None

Eaton, Daniel

Pratt, John

Weed, Charles

Theberge, Robert

Benn, Bernard  
Nordgren, Sharon

Ingbretson, Paul

Maybeck, Margie

Naro, Debra

### HILLSBOROUGH

Adams, Jarvis  
Beaton, William  
Crane, Elenore Casey  
Harrington, Paul  
Kony, Christine  
Luebker, Bernard  
Slocum, Lee

Allen, Timothy  
Bergeron, Jean-Guy  
Gibson, John  
Hinkle, Peyton  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Souza, Kathleen

Arnold, Thomas Jr  
Buhlman, David  
Hagan, Barbara  
Jasper, Shawn  
Lawrence, James  
Mooney, Maureen  
Wheeler, James

Barry, J Gail  
Clemmons, Jane  
Hallyburton, Margaret  
Jean, Claudette  
Lessard, Rudy  
Scanlon, Michael

**MERRIMACK**

Davis, Frank	Field, William	Foley, Albert	Kennedy, Richard
McCormick, Tom	Ouellette, Robert	Soltani, Tony	

**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Clark, Vivian
DiFruscia, Anthony	Duffy, James	Dupuis, Roland	Flayhan, Mary Lou
Hughes, Daniel	McEachern, Paul	McKinney, Betsy	Putnam, Ed II
Quandt, Matthew	Ruffner, Walter	Splaine, James	Weyler, Kenneth

**STRAFFORD**

Campbell, W Packy	Harrington, Michael	Heon, Richard	Johnson, Nancy
Scott, David			

**SULLIVAN**

Donovan, Thomas	Franklin, Peter	Harris, Joseph	Phinizy, James
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and the majority report was adopted.

**SUSPENSION OF RULES**

Reps. Hess and Nordgren move that House Rules be so far suspended as to allow the Finance Committee to report House Bill 1 and House Bill 2 by Thursday, April 10, 2003 and to allow final action by the House on House Bills 1 and 2 by Thursday, April 17, 2003.

Adopted by the necessary two-thirds.

**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 26, 2003 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 245**, relative to child custody decisions.

**HB 357-FN**, relative to child support insurance settlement intercept.

**HB 447**, limiting retroactive child support awards under the uniform act on paternity.

**HB 486**, relative to access to child support enforcement records.

**HB 620-FN**, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors.

**HB 674-FN**, relative to legal representation for indigent parties and notification requirements under the Child Protection Act.

**HB 259**, relative to the regulation of gift certificates under the consumer protection act.

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care.

**HB 404**, relative to common trust funds.

**HB 423**, relative to safe deposit boxes.

**HB 460-FN**, relative to property and casualty insurance.

**HB 470**, relative to health insurance providers.

**HB 481**, establishing a committee to study the pricing of milk products.

**HB 506**, relative to health club membership initiation fees and renewal practices.

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

**HB 546**, relative to uniform prescription drug information cards.

**HB 596-FN**, relative to health plan loss information.

**HB 601**, relative to the long-term care insurance act.

**HB 646-FN**, relative to liquor licenses and fees.

**HB 684-FN**, relative to the insurance rating law.

**HB 694-FN**, relative to tobacco product manufacturers not entering master settlement agreements.

**HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles.

**HB 725**, relative to fraternal benefit societies.

**HB 796-FN-L**, relative to the taxation of manufactured housing.

**HB 798**, relative to gifts by fiduciaries.

**HB 807-FN**, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust.

**HB 816**, making technical corrections to the securities laws.

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers.

**HB 205**, relative to the use of criminal records and reports.

**HB 208**, relative to name changes for inmates and parolees.

**HB 389**, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

**HB 410**, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute.

**HB 495**, relative to unauthorized access to a wireless computer network.

**HB 615-FN**, relative to the requirements for registration of sexual offenders.

**HB 630-FN**, relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

**HB 659-FN**, relative to penalties for failure to obey a subpoena or summons.

**HB 690-FN**, relative to agricultural crop damage.

**HB 718-FN**, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

**HB 749**, relative to the description in a criminal complaint of the party accused.

**HB 825**, establishing a committee to study methods of safely reducing the prison population in the state.

**HB 568-L**, relative to legal residency for the purpose of public school education.

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees.

**HB 364-FN**, relative to the use of automatic telephone dialing systems for political advocacy.

**HB 605-FN**, relative to prohibited election day activity.

**HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections.

**HB 529**, relative to the New Hampshire seed law.

**HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections.

**HB 258**, relative to the community-technical college system.

**HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

**HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes.

**HB 60**, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

**HB 112-FN**, establishing a point system for the annual moose permit lottery.

**HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses.

**HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

**HB 184**, relative to distribution upon intestacy.

**HB 185**, relative to pretermitted heirs.

**HB 218**, relative to the definition of beneficially interested person.

**HB 287**, establishing a professional malpractice claims study commission.

**HB 296**, relative to settlement agreements in medical malpractice suits.

- HB 776**, relative to emergency medical care for pregnant women.
- HB 468**, relative to enforcement of the labor protection statutes.
- HB 211**, relative to town clerk fee deposit requirements.
- HB 413-L**, relative to certain appeals proceedings when the taxpayer prevails.
- HB 424**, relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.
- HB 446**, relative to building permits.
- HB 455**, relative to residency requirements for disabled persons applying for a tax deferral of property taxes.
- HB 466**, relative to the adoption procedure for property tax exemptions and credits.
- HB 467**, allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits.
- HB 639**, relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.
- HB 806**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.
- HB 661-FN-L**, relative to Westport Village Road in the town of Swanzey.
- HB 420**, relative to state-owned trails and parking lots in the town of Windham.
- HB 676-FN**, relative to lake level investigations.
- HB 768**, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.
- HB 547**, relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.
- HB 562**, relative to an additional duty of the air pollution advisory committee.
- HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency.
- HB 228**, relative to conduct after an accident.
- HB 402**, relative to child passenger restraints.
- HB 509**, relative to access to motor vehicle records.
- HB 699-FN**, relative to abandoned vehicles.
- HB 107**, relative to bingo.
- HB 262**, relative to operators of bingo and games of chance.
- HB 558**, relative to financial reports on bingo and lucky 7 operations.
- HB 123**, relative to notice given to putative fathers in adoption proceedings.
- HB 177**, excluding stepchildren from the definition of "child" in the context of support orders.
- HB 298**, relative to physical child custody decisions.
- HB 384**, relative to financial affidavits in domestic relations cases.
- HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.
- HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.
- HB 464-FN**, establishing a criminal penalty for facilitating a drug or underage alcohol house party.
- HB 139**, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.
- HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud.
- HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs.
- HB 593-FN-L**, relative to solid waste facilities in small towns.
- HB 302-FN**, relative to the funding and use of the retirement system special account.
- HB 753**, establishing the fourth Monday in April as General John Stark Day.
- HB 210-FN-A**, relative to passenger tramway registration fees and relative to carnival or amusement ride fees.
- HB 360-FN-A-L**, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.

**HB 515**, excluding certain agreements between fish and game licensees and landowners from the right-to-know law.

**HB 709-FN**, relative to nursing homes in receivership.

**HB 758-FN**, relative to the criteria for medicaid eligibility.

**HB 122**, relative to an informed jury.

**HB 175**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors.

**HB 811**, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

**HB 311**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:20 p.m.

### RECESS

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 13

Wednesday, March 26, 2003

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever Compassionate Creator, we stand today in thanksgiving for the blessings we have inherited to share the authority of democratic government, to worship freely, to voice differing opinions, to assemble and to speak openly in a free press among our many other freedoms. We are mindful that these freedoms were won and are now protected by the bravery of men and women serving in our armed forces at home and in distant lands, and by our police and fire services who serve in our communities. May our gratitude for their many sacrifices never wane. May the work of this honorable House reflect the gratitude we share as free citizens of our beloved New Hampshire. We especially lift up to You those who have been wounded, killed or captured in the cause of bringing freedom to the people of Iraq. Bring peace quickly, O Lord. Amen.

Rep. Stanley Stevens led the Pledge of Allegiance.

The National Anthem was sung by Katie Kramer and Julie Wagner, students at Concord High School.

### LEAVES OF ABSENCE

Reps. Janet Allen, Cady, Flanagan, Guay, Rice, Seldin, Slack and Weare, the day, illness.

Reps. Nelson Allan, Balcom, Burling, Corbin, Dewhirst, Donovan, Stephanie Eaton, Hager, Kaen, Moran, Oliver, Ross, Paul Smith, Jeffrey Sullivan and Tilton, the day, important business.

Rep. Casey, the day, illness in the family.

### INTRODUCTION OF GUESTS

Christine O'Brien, student at ConVal High School and Baron Eddings, student at Conant High School, Pages for the Day. Margaret Goldberge, daughter of Rep. Diamond. Rich and Pam Wagner, parents of Julia Wagner, and Christina Provencher, guests of the Speaker. The 4<sup>th</sup> grade class from Seabrook Elementary School, guests of the Seabrook delegation.

### SPECIAL GUESTS

The Pembroke Academy Robotics Team, the 2003 Champions of the Chesapeake Regional First Robotics Competition held at the United States Naval Academy, guests of the Pembroke delegation.

### REGULAR CALENDAR

### COMMITTEE REPORTS

**HB 411**, allowing municipalities to adopt a property tax exemption for owners who permit snowmobile use. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roland L. Dupuis for the Majority of Municipal and County Government: It was the majority opinion that the bill was flawed in that there were no restrictions as to the size of land, no definition of "use and reasonable access," and a great discrepancy in the amount of exemptions proportional to the size of land in question. This reduction of property assessment would also be in addition to any other exemption or credit the landowner is entitled to, such as current use. RSA 79-A:4 already allows a 20% reduction in current use value if a landowner's property is open to the public 12 months a year for recreation. This type of additional exemption for winter recreational use could be extended to horseback riding, snowshoeing, hiking, dirt biking or any other type of recreational use and in the end, the cost of the exemption is shifted to other members of the community. The committee feels that the existing program of current use, and availability of an additional 20% reduction for recreational use is adequate compensation for the use of one's land. Vote 14-1.

Rep. Laurie J. Boyce for the Minority of Municipal and County Government: This bill enables a town or city to give an extra exemption/credit for a small percentage (10%) of the property taxes on residential real estate which is used as the principle place of abode, and which would allow snowmobiling activity on the property for a five year period, renewable every five years.

Majority report adopted.

**HB 439**, allowing municipalities the option to tax land values at a different rate than buildings and improvements. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Testimony was received that this concept has some merit. However, implementation of this concept could cause a serious reduction of vacant land throughout the state due to the higher tax rate on non productive vacant land, causing the owners to sell prematurely and may contribute to an expansion of "sprawl" that this legislature is trying to shift to "smart growth." The committee agreed this bill is unworkable at this time. Vote 12-3.

Rep. Noyes spoke against.

Rep. Brundige spoke in favor.

Adopted.

**HB 552**, establishing a committee to study the Hillsborough County Nursing Home employment practices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the Majority of Municipal and County Government: The committee was impressed with the testimony from several employees from Hillsborough County. However, this is an issue that is more appropriately handled outside the legislature through established procedures. A performance audit by the county delegation could be worth considering. Vote 10-4.

Rep. Peter B. Schmidt for the Minority of Municipal and County Government: The minority feels that serious questions have been raised regarding employment practices at the Hillsborough County Nursing Home. Efforts to address these issues at the county level have not resolved the matter. While the minority agrees with the majority that Hillsborough County should deal with this question, the minority strongly feels that the New Hampshire House should maintain oversight, so that it can be sure that justice ultimately prevails.

On a division vote, 236 members having voted in the affirmative and 109 in the negative, the majority report was adopted.

**HB 774-L**, enabling municipalities to expend funds to plow private roads. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: The case of "Clapp vs. Jaffrey" would suggest that a town cannot spend tax monies on private property. It appears to be a constitutional issue. Towns would be exposed to unnecessary liability. However, present statutes allow plowing of "emergency ways." Vote 9-7.

Adopted.

**HB 778-L**, relative to the city of Manchester school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marc P. Pappas for Municipal and County Government: This bill is simply enabling legislation that would allow the City of Manchester to put a referendum question on the ballot allowing the citizens of Manchester to decide whether or not to return the school district to a city department. The referendum question would need to be passed by a two-thirds super majority, which will clearly state the will of the people of Manchester. In a previous referendum on this issue, 61% of the citizens of Manchester voted to return the school district to a department of city government. However, because the city did not first obtain permission from the legislature, the initiative was deemed invalid. This bill is not unlike similar legislation that was passed three years ago, in which the City of Nashua sought to return control of its school district to a city department. It should be noted that in addition to the majority of Manchester's legislative delegation, twelve of the fourteen city aldermen whole-heartedly support the goal of this legislation. Vote 11-3.

#### **Amendment (0752h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Manchester School Department. The city of Manchester, New Hampshire may incorporate the school district as a department of the city and the mayor shall have control over the form and procedures for preparation and adoption of the school department budget, subject to a referendum provided for in section 2.

2 Referendum. The provisions of section 1 of this act shall take effect upon ratification by a 2/3 vote of the voters present and voting by ballot at the regular annual election in the city of Manchester, and the mayor shall certify within 10 days to the secretary of state the results of said referendum.

3 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill enables the city of Manchester to incorporate the Manchester School District as a department of the city, subject to voter approval.

Rep. Patten spoke against.

Committee amendment failed.

Rep. Patten offered floor amendment (0969h).

**Floor Amendment (0969h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Manchester School Department. The city of Manchester, New Hampshire may incorporate the school district as a department of the city and the mayor shall have control over the form and procedures for preparation and adoption of the school department budget.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill enables the city of Manchester to incorporate the Manchester School District as a department of the city, subject to voter

Rep. Patten spoke in favor and yielded to questions.

Floor amendment (0969h) adopted.

Report adopted and ordered to third reading.

**HB 25-FN-A**, making appropriations for capital improvements. **WITHOUT RECOMMENDATION**

Rep. Edwin Smith moved Ought to Pass with Amendment and offered floor amendment (0961h).

**Floor Amendment (0961h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

## I. Adjutant General.

A. Armory Renovations	\$ 300,000
B. STARC Armory - Concord	9,033,100
Less Federal	-6,774,825

Net state appropriation subparagraph B	2,258,275
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C. Armory Kitchen Expansions	975,000
Less Federal	-731,250

Net state appropriation subparagraph C	243,750
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D. Joint Service Training Facility Design	3,388,700
Less Federal	- 3,388,700

Net state appropriation subparagraph D	0
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Total state appropriation paragraph I	\$ 2,802,025
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## II. Department of Administrative Services.

## A. Bureau of Court Facilities.

1. Architectural and Engineering - Hampton District Court.	\$ 165,000
2. Architectural and Engineering - Laconia District Court	250,000

Total state appropriation subparagraph A	415,000
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## B. Bureau of General Services.

1. 4 and 6 Hazen Drive - Upgrade Security	106,000
2. Renovate State Laboratory - Final Phase	5,447,000
3 State Library - Install Fire Suppression System	208,000
4. 4 and 6 Hazen Drive - Install Fire Suppression System	806,000
5. Storrs Street Warehouse - Replace Leaky Roof	92,000
6. Londergan Hall - Replace Elevator	283,000
7. Londergan Hall - Replace Defective Flooring	101,000
8. State House Annex - Replace Defective Flooring	531,000
9. State House and State House Annex - Install Emergency Generator	381,000
10. State House Annex - Replace Freight Elevator	286,000
11. 18 State Owned Buildings - Asbestos and Hazardous Material	152,000
12. Monadnock Mill - Repair Building Foundation	140,000

13. State House - Rehabilitate Representatives Hall	486,000
14. Department of Safety Building - Energy Save and Lights Replace	217,000
15. Site and Design Parking Garage - Executive/Legislative	200,000
16. New Hampshire Hospital Campus - Redevelopment Plan	100,000
Total state appropriation subparagraph B	9,536,000
C. Division of Information Technology Management.	
1. Campus Wiring	1,525,000
2. Enterprise Resource Planning	15,000,000
Total state appropriation subparagraph C	16,525,000
Total state appropriation paragraph II	\$26,476,000
III. Community-Technical College System.	
A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design and Build - Claremont	1,993,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. Police Standards and Training - Storage Building Expansion	95,000
F. MacRury Hall Addition - Dental Facility	1,500,000
G. Critical Repairs	1,637,000
H. Christa McAuliffe Planetarium - Alan B. Shepard Memorial Wing	6,200,000
Less Federal	-4,900,000
New state appropriation subparagraph H	1,300,000
Total state appropriation paragraph III	\$ 9,475,000
IV. Department of Education.	
A. Regional Career and Technical Education Center Match - Portsmouth	\$ 4,500,000
B. Regional Career and Technical Education Center Match - Berlin	1,875,000
Total state appropriation paragraph IV	\$ 6,375,000
V. Department Of Environmental Services.	
A. Laboratory Equipment	\$ 104,000
B. Hazardous Waste Superfund Match	1,805,000
C. Drinking Water SRF Matching Funds	4,968,320
D. Wastewater SRF Matching Funds	8,044,208
E. Bedrock Aquifer Well Project	196,000
Total state appropriation paragraph V	\$15,117,528
VI. Department of Health and Human Services.	
A. YDC - Facility Renovation and New Construction	\$ 7,700,000
B. Update Sprinkler System - Glenciff	88,000
Total state appropriation paragraph VI	\$ 7,788,000
The sum appropriated in subparagraph A shall be expended as provided in section 13 of this act.	
VII. Liquor Commission.	
A. Administration Building Life Safety / Warehouse Renovation	\$ 168,000
B. Parking Lot - Store #15 Keene	300,000
Total state appropriation paragraph VII	\$ 468,000
VIII. Department Of Resources and Economic Development.	
A. Replace Upgrade Septic Systems - Franconia	\$ 250,000
B. Mount Washington Electrification	2,000,000
Less Park Fund	- 2,000,000
Net state appropriation subparagraph B	0
C. Monadnock Campground Renovation	980,000
D. Statewide Radio System	575,200
Total state appropriation paragraph VIII	\$ 1,805,200
IX. Department of Safety.	
A. Lab Expansion	\$ 358,000
Total state appropriation paragraph IX	\$ 358,000

## X. Department Of Transportation.

A. 5 – 10 Percent Match for FAA Projects	\$ 3,515,000
B. Public Transit Bus Replacement Match	200,000
Total state appropriation paragraph X	<u>\$ 3,715,000</u>

## XI. Veterans Home.

A. Upgrade Existing Sprinkler System at 2 Units	\$ 515,000
Less Federal	- 334,750
Net state appropriation subparagraph A	180,250
B. Erect Prefabricated Refrigerator/Freezer with Shelving	107,000
C. Recreation Area	855,000
Less Federal	-500,000
Net state appropriation subparagraph C	355,000
D. New Maintenance Building	736,000
Less Federal	- 478,400
Net state appropriation subparagraph D	257,600
Total state appropriation paragraph XI	<u>\$ 899,850</u>
Total state appropriation section 1	<u>\$75,279,603</u>

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Infrastructure- Plymouth State College	\$3,400,000
B. Infrastructure- Keene State College	3,400,000
Total state appropriation section 2	<u>\$6,800,000</u>

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Hatchery System Modernization	\$ 2,000,000
B. Dam Reconstruction and Repair	100,000
Total state appropriation section 3	<u>\$ 2,100,000</u>

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

## I. Department Of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive	\$ 370,000
B. Addition to DMV Building on Hazen Drive	3,260,000
C. Finish Troop D First Floor	589,000
Less Other	- 111,910
Net state appropriation subparagraph C	<u>477,090</u>
Total state appropriation paragraph I	<u>\$ 4,107,090</u>

The sum appropriated in subparagraph B for the DMV Building addition shall not be spent, obligated, or encumbered until the department has received approval of the plan from the capital budget overview committee.

## II. Department Of Transportation.

1. Patrol and Salt Sheds - Statewide	\$ 4,132,000
2. Garage and Material Lab Equipment	500,000
3. Antrim Rest Area Replacement - Design and Right-of-Way	100,000
Total state appropriation paragraph II	<u>\$ 4,732,000</u>
Total state appropriation section 4	<u>\$ 8,839,090</u>

5 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

## 6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All

contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2 may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

#### 8 Bond Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$93,018,693 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the appropriation made in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,700,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$7,700,000 in the biennium ending June 30, 2005, as included in paragraph I.

(b) \$17,700,000 through the biennium ending June 30, 2007.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 of this act shall be made from the fish and game fund.

(b) Section 4 of this act shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any

project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project is completed and accepted, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Appropriation; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. Pursuant to the final report of the commission to study the need for and the location of architecturally secure facilities and community shelter care facilities to serve juveniles established by 2001, 97, and in order to address health and safety concerns for staff and residents, operating inefficiencies in the campus model of the youth development center campus in Manchester and the inability of the current facilities to support state-of-the-art rehabilitative programming, the sum of \$17,700,000 is hereby committed to the design and construction of a new architecturally secure facility for committed and detained juveniles on the grounds of the youth development center.

II. The total project cost of approximately \$33,000,000 shall be funded using:

(a) \$13,400,000 in federal funds from the Violent Offender Incarceration/ Truth-in-Sentencing grant program;

(b) \$1,900,000 in previous state capital appropriations designated for new facility construction in youth development services;

(c) \$7,700,00 in a state capital appropriation for the biennium ending June 30, 2005 as made in section 1, paragraph VI, A of this act; and

(d) \$10,000,000 in a state capital appropriation for the biennium ending June 30, 2007 hereby appropriated upon approval of the capital budget overview committee and in a manner consistent with the project schedule.

III. The department shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the project to the capital budget overview committee as soon as possible upon passage of this act.

IV. The appropriations in this section shall be non-lapsing and shall be in addition to any other appropriation to the department of health and human services, provided that the department shall not receive actual cumulative payments for purposes of the project greater than:

(a) \$7,700,000 in the biennium ending June 30, 2005.

(b) \$17,700,000 in the biennium ending June 30, 2007.

14 Purpose Amended; YDC New Facility Construction. Amend 1997, 349:1, XVI, D as amended by 1998, 372:3 and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, to read as follows:

D. Construction and Renovations – YDC, *New Facility Construction* \$1,000,000

15 Purpose Amended; YDC New Facility Construction. Amend 1999, 226:1, XV, D, as extended by 2001, 202:28, LXI to read as follows:

D. Phase I – preparation for agency networking, *New Facility Construction* \* 225,000

16 Purposes Amended; YDC New Facility Construction. Amend 2001, 202:1, XV, A and B to read as follows:

A. King Cottage Renovations - Const. YDS, *New Facility Construction* \$415,000

B. ADA Compliance and Sprinkler/Fire Detection - Const.,

*New Facility Construction* 500,000

17 Walker Building; Payment of Bonds and Notes. Amend 2000, 283:2, II to read as follows:

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for

said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. ~~[Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general fund agencies occupying the Walker building. The bonds shall be 20-year bonds.]~~ *The payment of principal and interest on the bonds and notes under this paragraph shall be a direct charge against the rents paid by state agencies occupying the Walker building to the extent available. To the extent that rents are insufficient for the payment of principal and interest, the remaining payment shall be a charge against general funds of the state.*

18 Appropriation for Walker Building Operation. The sum of \$165,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2004 for the purpose of the operation of the Walker building facilities while state agencies are relocating to the Walker building from leased space. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Capital Appropriation Increased. Amend 2001, 202:16 to read as follows:

202:16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of ~~[\$1,500,000]~~ **\$2,300,000** is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$1,500,000]~~ **\$2,300,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

20 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Student Residence Hall; Berlin.

I. The sum of \$1,600,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of a student residence hall on the Berlin campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the student residence fees.

21 Purpose Amended; Adjutant General. Amend 2001, 202:1, I, B to read as follows:

B. Reroofing Plymouth and Franklin Armories, *and*  
*Armory Renovations Statewide*

410,000

22 Purpose Amended; State Rail Lines; Department of Transportation. Amend 2001, 202:1, XIII, B as amended by 2002, 26:9 to read as follows:

B. Repair State Rail Lines *and Design Lowell to Nashua*

<i>Commuter Rail</i>	[600,000]	1,500,000
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Less Federal	<u>[-300,000]</u>	<u>-1,200,000</u>
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Net state appropriation subparagraph B		300,000
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23 Purpose Amended; 1991 Appropriation; Port Authority. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1, 2000, 15:1 and 2000, 292:10 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, renovation of any commercial fish piers that may be transferred to the port authority, and the rip-rap project on River Street in Seabrook. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
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Total state appropriation section 5	\$18,300,000
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(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000

of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation, and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000. *In addition, for the biennium beginning July 1, 2003, the sum of \$1,000,000 shall be expended for the dredging of Hampton – Seabrook harbor, provided that the Army Corps of Engineers takes responsibility for completion and funding of future harbor dredging projects.*)

24 Lapse Dates Extended to June 30, 2005. The following appropriations are hereby extended to June 30, 2005:

I. The appropriation made to the adjutant general in 1999, 226:1, I, C, as extended by 2001, 202:28, XLVII, for renovation of state armories.

II. The appropriation made to the adjutant general in 2001, 202:1, I, A, as amended by 2002, 239:5, for armory renovations - statewide.

III. The appropriation made to the adjutant general in 2001, 202:1, I, B, as amended by section 21 of this act, for reroofing Plymouth and Franklin armories and armory renovations - statewide.

IV. The appropriation made to the adjutant general in 2001, 202:1, I, C, for army aviation support facility construction – Concord.

V. The appropriation made to the department of administrative services in 2000, 283:2, as extended by 2001, 202:28, X, for renovation to the Walker building.

VI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII and 2001, 202:28, XII for emergency repairs, contingency fund.

VII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII and 2001, 202:28, XIII for the life safety, renovations – health and human services building.

VIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 1, for state laboratory – complete HVAC repairs.

IX. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 2, for E-911 install ventilation unit.

X. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 6, for state house annex – upgrade elevators.

XI. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 7, for 6 Hazen drive – replace state laboratory roof.

XII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 8, for state house – upgrade elevators.

XIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 9, for state house – repoint exterior granite and caulk windows.

XIV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 11, for state house annex – mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage – parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

II, A, 11, for state house annex – mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage – parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

XVII. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 2, for roof – Nashua district court.

XVIII. The appropriation made to the department of administrative services, in 2001, 130:14, I, for information technology projects.

XIX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 2, as extended by 2001, 202:28, VIII, for state lab electrical wiring/panel replacement.

XX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, for executive/legislative budget system.

XXI. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, for maintenance/critical repairs.

XXII. The appropriation made to the community-technical college system in 2001, 202:1, IV, A, for system maintenance – statewide.

XXIII. The appropriation made to the community technical college system in 2001, 202:1, IV, C, for new academic building design – Laconia.

XXIV. The appropriation made to the community-technical college system in 2001, 202:1, IV, D, mezzanine instruction renovation – Manchester.

XXV. The appropriation made to the community-technical college system in 2001, 202:1, IV, E, for computer system upgrades.

XXVI. The appropriation made to the community-technical college system in 2001, 202:1, IV, F, for mobile equipment center design/child care – Berlin.

XXVII. The appropriation made to the community-technical college system in 2001, 202:1, IV G, for student residence – Berlin design.

XXVIII. The appropriation made to the community-technical college system in 2001, 202:16, I, as amended by section 19 of this act, for addition to student center – Concord.

XXIX. The appropriation made to the community-technical college system in 2001, 202:1, IV, H, Christa McAuliffe Planetarium-Alan B. Shepard memorial wing.

XXX. The appropriation made to the community-technical college system in 2001, 130:14, VI, for information technology project.

XXXI. The appropriation made to the community-technical college system in 2001, 158:73, for Claremont computer system upgrades.

XXXII. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, I, as extended by 1991, 351:27, II (g), 1992, 149:2, I, 1993, 359:20, I, 1995, 309:33, I, and 2001, 202:28, LI, for upgrading state-owned flood retardation structures at small watershed program sites.

XXXIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI and 2001, 202:28, LII, for the superfund program.

XXXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, A, as extended by 1999, 226:32, XXIX, and 2001, 202:28, LIV, for the wastewater state revolving fund match.

XXXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B, as extended by 1999, 226:32, XXX, and 2001, 202:28, LV, for the drinking water state revolving fund match.

XXXVI. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, as extended by 2001, 202:28, LVII, for the drinking water state revolving match.

XXXVII. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, as extended by 2001, 202:28, LVIII, for the wastewater state revolving fund match.

XXXVIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, as extended by 2001, 202:28, LIX, for the hazardous waste superfund match.

XXXIX. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, as extended by 2001, 202:28, L, for the storage building for emergency response equipment.

XL. The appropriation made to the department of environmental services in 2001, 202:1, VIII, A, for the drinking water state revolving fund matching funds.

XLI. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, for the wastewater state revolving fund matching funds.

XLII. The appropriation made to the department of environmental services in 2001, 130:14, III for information technology projects.

XLIII. The appropriation made to the fish and game department in 2001, 202:3, A, for state-wide fish hatchery capital improvement study.

XLIV. The appropriation made to the fish and game department in 1999, 226:3, A, as extended by 2001, 202:28, LXIII, for broodfish facility – Milford.

XLV. The appropriation made to the fish and game department in 1999, 226:3, B, as extended by 2001, 202:28, LXIV, for repair and replace fish rearing containers.

XLVI. The appropriation made to the fish and game department in 1999, 226:3, C, as extended by 2001, 202:28, LXV for water line repair/replacement.



XLVII. The appropriation made to the fish and game department in 1999, 226:3, E, as extended by 2001, 202:28, LXVI, and as amended by 2002, 133:2, for Barry conservation camp building replacement.

XLVIII. The appropriation made to the fish and game department in 1995, 309:3, A and B, as extended by 1997, 349:34, XXXV, 1999, 226:32, XLIV, and 2001, 202:28, LXVIII, for roof repairs and concrete repair/replacement – hatcheries.

XLIX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1, as extended by 1997, 349:34, XXIII, 1999, 226:32 XI, and 2001, 202:28, XL, for RSA 171-B, for mentally retarded criminal offenders.

L. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A, as extended by 2001, 202:28, XLII, for laboratory safety improvements.

LI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, as extended by 2001, 202:28, XLIII, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

LII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, for information technology.

LIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, for asbestos abatement – state office park south.

LIV. The appropriation made to the department of health and human services in 2001, 202:1, IX, E, as amended by 2002, 244:2, for Laconia MR offenders new building.

LV. The appropriation made to the department of health and human services in 2001, 202:1, IX, F, patient care network.

LVI. The appropriation made to the department of health and human services in 2001, 202:1, IX, G, for laboratory information tracking system.

LVII. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, for bridges enhancement.

LVIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, I, for DFA new heights enhancements.

LIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, J, for public health laboratories replacement equipment.

LX. The appropriation made to the department of health and human services in 2001, 130:14, IV, for information technology projects.

LXI. The appropriation made to the department of youth development services in 1997, 349:1, XVI, D, as amended by 1997, 351:68, 1998, 372:2, 3, 1999, 226:15, and section 14 of this act, as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, for construction and renovations – YDC and new facility construction.

LXII. The appropriation made to the department of youth development services in 1999, 226:1, XV, D, as amended by section 15 of this act, and as extended by 2001, 202:28, LXI, for phase I preparation for agency networking and new facility construction.

LXIII. The appropriation made to the youth development services in 2001, 202:1, XV, A, as amended by section 16 of this act, for King cottage renovations – construction – YDS and new facility construction.

LXIV. The appropriation made to the youth development services in 2001, 202:1, XV, B, as amended by section 16 of this act, for ADA compliance and sprinkler/fire detection – construction and new facility construction.

LXV. The appropriation made to the judicial branch in 2001, 130:14, VII, for information technology projects.

LXVI. The appropriation made to the supreme court in 2001, 202:1, XII, A, for computer system upgrade.

LXVII. The appropriation made to the liquor commission in 2001, 202:1, X, A, for renovation store #38 and parking lot – Portsmouth.

LXVIII. The appropriation made to the liquor commission in 2001, 201:1, X, B, for renovation store #34 – Salem and new HVAC.

LXIX. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, as extended by 2001, 202:28, V, for ADA compliance for parks facilities, new toilet facilities-Hampton, septic gray water system-Mount Washington, and install power-Crawford Notch.

LXX. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, B, for exterior repairs, roofing – statewide.

LXXI. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, C, for road repairs/parking lot maintenance - statewide.

LXXII. The appropriation made to department of safety in 1999, 226:4, II, B, as extended by 2001, 202:28, XXVII, for paving and roofing at troop/stations.

LXXIII. The appropriation made to the department of safety in 2001, 202:4, I, B, for radio system – county tie-in.

LXXIV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X, 1999, 226:32, IV, and 2001, 202:28, XXIX, for land acquisition for navigation beacons.

LXXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, for acquisition for railroad and airport properties.

LXXVI. The appropriation made to the department of transportation in 1999, 226:4, I, F, as extended by 2001, 202:28, XXXVI, for Conway rest area.

LXXVII. The appropriation made to the department of transportation in 2001, 202:1, XIII, B, as amended by 2002, 26:9 and section 22 of this act, for repair state rail lines and design Lowell to Nashua commuter rail.

LXXVIII. The appropriation made to the department of transportation in 2001, 202:1, XIII, C, ADA compliance projects – state parks, Hayes building restrooms, New Hampshire hospital.

LXXIX. The appropriation made to the department of transportation in 2001, 202:1, XIII, D, for public transit bus replacement.

LXXX. The appropriation made to the department of transportation in 2001, 202:4, II, C, for replacement of shop cranes – mechanical services - statewide.

LXXXI. The appropriation made to the department of transportation in 2001, 202:4, II, D, as amended by 2002, 106:1, for new garage and testing lab facility.

LXXXII. The appropriation made to the New Hampshire veterans home in 2001, 202:1, XIV, B, for parker tubs.

LXXXIII. The appropriation made to the department of education in 2001, 202:1, VII, A for education statistics system.

LXXXIV. The appropriation made to the department of education in 2001, 202:1, VII, B for grants management.

LXXXV. The appropriation made to the department of education in 2001, 202:1, VII, C for vocational rehabilitation case management system.

LXXXVI. The appropriation made to the department of education in 2001, 202:1, VII, D for career development system.

LXXXVII. The appropriation made to the department of education in 2001, 202:1, VII, E for regional vocational center instruction – Keene.

LXXXVIII. The appropriation made to the department of education in 2001, 202:1, VII, F for regional vocational center – Nashua.

LXXXIX. The appropriation made to the department of education in 2001, 130:14, II for information technology projects.

XC. The appropriation made to the department of education in 1999, 226:1, VI, A for computer applications expansion replacement.

XCI. The appropriation made to the department of education in former RSA 188-E:10 as inserted by 1973, 567, for regional vocational education centers.

25 Effective Date.

I. Section 23 of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

Rep. Edwin Smith spoke in favor and yielded to questions.

On a division vote, 289 members having voted in the affirmative and 68 in the negative, floor amendment (0961h) was adopted.

Motion of Ought to Pass with Amendment adopted.

Referred to Finance.

**HB 401**, relative to approvals under the groundwater protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: This bill will streamline the process of approving large groundwater withdrawals by providing more structure to community input procedures. The change in statute will move the public hearing so it occurs after, rather than before the technical feasibility studies have been completed, ending time-consuming speculative discussions between the Department of Environment Services (DES) and the public. In addition, a review committee consisting of representatives of potentially impacted communities may be formed to provide a single vehicle for municipalities to discuss applications and make recommendations to DES. Appeals will go to the water council rather than directly to court. Vote 10-8.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: This bill, even as amended, uses scientific words in a loose manner, creating far-reaching unintended consequences. The "zone of contribution" of groundwater is dependent upon geologic assumptions and may be limited to a local watershed or expanded to a regional watershed—larger even than the whole State. The criteria for selecting the size of the watershed is not defined in this bill. This language will essentially enable any municipality to join action committees for large groundwater withdrawal applications. Passage of this bill encourages public stonewalling of any large groundwater withdrawal application. The minority feels this issue merits study and oversight of the current process.

### **Majority Amendment (0779h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Approval for Large Groundwater Withdrawals; Large Groundwater Withdrawal Review Committee. RSA 485-C:21, III - VI are repealed and reenacted to read as follows:

III. The applicant shall submit a final report to the department which shall include aquifer testing analysis. Copies of the final report shall be forwarded by certified mail by the applicant to the chair of the large groundwater withdrawal review committee, governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well.

IV. Following the submission of the final report, accepted by the department as complete, the department shall hold a public hearing on the application in the municipality in which the proposed withdrawal is to be made upon the request of the governing body of any municipality, supplier of water within the anticipated zone of contribution, or the chair of a large groundwater withdrawal review committee, provided that such a hearing is requested within 15 days of their receipt of the final report.

V. The department shall hold the public hearing within 30 days after the request of the governing body of any municipality, supplier of water within the anticipated zone of contribution, or the chair of a large groundwater withdrawal review committee. Notice of the hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipalities within the anticipated zone of contribution. The notice shall also be posted in 2 public places in the municipalities.

VI. The applicant, the governing body of each municipality, the large groundwater review committee, and each supplier of water within the anticipated zone of contribution to the well may submit comments to the department relative to the proposed withdrawal within 45 days after the public hearing in the municipality or, if no hearing is requested, within 45 days after the receipt of the final report by the municipality, large groundwater review committee, and water suppliers. If the comments relative to the application make recommendations to the department, the department shall specifically consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

VII. Rehearings and appeals from a decision of the department under this section shall be in accordance with RSA 21-O:14.

VIII. A municipality in which a large commercial withdrawal of groundwater is proposed may establish a large groundwater withdrawal review committee to make recommendations to the department concerning the approval of the large groundwater withdrawal.

(a) The members of the committee shall be as follows:

(1) Three members appointed by the governing body of the municipality where the withdrawal is proposed, one of whom shall be a member of the municipality's planning board.

(2) Two members from each of the other municipalities in the zone of contribution, appointed by the governing body of their municipalities, one of whom shall be a member of the municipality's planning board.

(b) The committee shall be formed within 60 days after the municipalities within the anticipated zone of contribution receive the preliminary application from the applicant.

(c) Upon formation, the committee shall notify the department and provide it with the chairperson's contact information.

(d) The department shall provide all information concerning the application for the large commercial groundwater withdrawal to the review committee chairperson and shall meet with the committee one time within 15 days of receiving a request for a meeting.

(e) The committee may hold one or more public information session regarding the proposed withdrawal.

2 Effective Date. This act shall take effect 60 days after its passage.

Majority amendment adopted.

Rep. Bruno spoke against and yielded to questions.

Rep. Richard Cooney spoke against.

Reps. Spang and McEachern spoke in favor.

On a division vote, 169 members having voted in the affirmative and 191 in the negative, the majority report failed.

Rep. Bruno moved Inexpedient to Legislate.

Rep. Spang requested a roll call; sufficiently seconded.

The question being adoption of the minority report of Inexpedient to Legislate.

## YEAS 212 NAYS 148

### YEAS 212

#### BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

#### CARROLL

Babson, David Jr	Brown, Carolyn	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Royce, H Charles	Smith, Edwin	

#### COOS

Brady, Mark	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
Woodward, David			

#### GRAFTON

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	

#### HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Buhlman, David
Cail, Kenneth	Carlson, Donald	Carter, Jeffrey	Cernota, Albert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Gargas, Carolyn
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Holden, Randolph
Hopper, Gary	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Laflamme, Charles	LaFlamme, Paul	Lawrence, James	Lefebvre, Roland

Lessard, Rudy  
Mercer, Robert  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Vaillancourt, Steve

McElroy, Henry Jr  
Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Stepanek, Stephen  
Wheeler, James

McHugh, Claire  
Mooney, Maureen  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

McRae, Karen  
Mosher, William  
Pepino, Leo  
Scanlon, Michael  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Reed, Dennis

Blanchard, Elizabeth  
Field, William  
Kenison, Leon  
Leber, William  
McCormick, Tom

Colcord, J D  
Foley, Albert  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

Currier, David  
Fraser, Leo Jr  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

### ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Dearborn, Bruce  
Duffy, James  
Flayhan, Mary Lou  
Gleason, John  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Waterhouse, Kevin  
Wiley, Robert

Bicknell, Elbert  
Clark, Vivian  
DiFruscia, Anthony  
Dumaine, Dudley  
Francoeur, Sheila  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Smith, Donald  
Welch, David  
Zolla, William

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Ingram, Russell  
Johnson, Rogers  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Stritch, C Donald  
Weldy, Norman Jr

Camm, Kevin  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl  
Headd, James  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Rausch, James  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Cataldo, Sam  
Newton, Clifford

Bemis, Alan  
Dunlap, Patricia  
Scott, David

Bickford, David  
Harrington, Michael  
Twombly, James

Campbell, W Packy  
Hollinger, Jeffrey  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 148

### BELKNAP

None

### CARROLL

Dickinson, Howard

Morrow, Harry

Mock, Henry

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Dunn, James  
Meador, David  
Pratt, John

Eaton, Daniel  
Mitchell, McKim  
Richardson, Barbara

### COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

### GRAFTON

Akins, Ralph  
Cooney, Mary  
Naro, Debra  
Solomon, Peter

Almy, Susan  
Densmore, Edward  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Hammond, Lee  
Sokol, Hilda

**HILLSBOROUGH**

Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Brassard, Paul
Buckley, Raymond	Carter, Mark	Chabot, Robert	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Fletcher, Richard
Ford, Nancy	Gibson, John	Gorman, Mary	Graham, John
Haley, Robert	Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Lasky, Bette	Luebker, Bernard
Malloy, Chris	McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori
Palangas, Eric	Pappas, Christopher	Pilotte, Maurice	Schulze, Joan
Shaw, Barbara	Souza, Kathleen	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia		

**MERRIMACK**

Bouchard, Candace	Bueggemann, Donald	Clarke, Claire	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Hamm, Christine	Jacobson, Alf	Lockwood, Priscilla	Osborne, Jessie
Owen, Derek	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

**ROCKINGHAM**

Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn	Coes, Betsy
Davidson, Robert	Dupuis, Roland	Gillick, Thomas	Gould, Kenneth
Kobel, Rudolph	Langley, Jane	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Winchell, George	

**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	Creteau, Irene
Easson, Timothy	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	Musler, George
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and the minority report of Inexpedient to Legislate was adopted.

### **HB 748, making changes to the laws governing off highway recreational vehicles. OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill is a recommendation of a legislative study committee and makes various changes to laws governing OHRV's and the statewide trail system. It reduces the allowable noise level for trail bikes and includes that same restriction on all terrain vehicles. The bill, as amended, requires adult supervision for the operation of OHRV's by minors under age 14. This bill, as amended, will also restrict the operation of OHRV's by minors under age 14 by requiring them to be accompanied by an adult when operating off of their own families lands. The bill will make it easier to conduct commercial OHRV events or contests by exempting certain OHRV requirements. Further, the committee amendment restricts expenditures on wheeled OHRV trails to those which are developed using the Department of Resources and Economic Developments best management practices for trail development. And the amendment also references the existing municipal authority to regulate nuisance noise and encourages cities and towns to use this tool to address noise complaints relating to wheeled OHRV operation. Vote 18-0.

#### **Amendment (0924h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Clarified. Amend RSA 215-A:1, I to read as follows:

I. "Accompanied by", or "*accompany*" means when a person is within sight and when actual physical direction and control can be effected.

2 Sound Level Lowered; ATVs included. Amend RSA 215-A:12, IV to read as follows:

IV. No person shall operate in this state a trail bike *or all terrain vehicle* which produces a sound level in excess of [99] **96** decibels on the A scale, when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice ANSI/SAE, J-1287, Mar 82, "Measurement of Exhaust Sound Levels of Stationary Motorcycles".

3 Registration Fees; Department of Resources and Economic Development Funds. Amend RSA 215-A:23, VI(b) to read as follows:

(b) Grants-in-aid shall be granted to OHRV clubs and political subdivisions for the construction and maintenance of *public use* OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his or her property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.

4 Registration Fees; Department of Resources and Economic Development Funds; Land Purchase Account Amend RSA 215-A:23, VII(c) to read as follows:

(c) Land purchases, easements, [and] rights-of-way, *and new construction*. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each non-resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements, [and] rights-of-way, *and new construction* for ATV or trail bike trail and facility development.

5 Accident Reports; Bureau of Trails. Amend RSA 215-A:28, IV to read as follows:

IV. Any person who is knowingly involved in any accident involving personal injury with an OHRV shall report said accident to the nearest police officer or police station. A report of said accident shall be filed forthwith by said police officer or police station with the department of safety, *the bureau of trails*, and the fish and game department in such form as the executive director may prescribe.

6 OHRV Operation. RSA 215-A:29, I-III are repealed and reenacted to read as follows:

I. No person shall operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian unless such person:

(a) If under 14 years of age, is accompanied at all times by a person at least 18 years of age who has met the conditions of subparagraph (b); and

(b) If 12 years of age or older, has either:

(1) Successfully completed an OHRV training program, the recognition of which has not been suspended or otherwise disallowed by law; or

(2) Is licensed to drive a vehicle in accordance with RSA 263, or in accordance with the law of another state or a province of Canada, provided the person would be eligible for a driver's license in this state.

II.(a) Except as further specified in subparagraph (b), it shall be prima facie evidence that any person at least 18 years of age who travels with a person under 14 years of age shall be legally responsible for the OHRV operation of such person and shall be liable according to law for personal injury or property damage to others which may result from such person's operation.

(b) When more than one person at least 18 years of age is traveling with a person under 14 years of age, and if any of the following persons over 18 years of age are present, then only such persons shall be legally responsible and liable under this paragraph:

(1) Parents or guardians, or

(2) Any person who has otherwise been given or assumed the responsibility for supervising the person under 14 years of age at the time of OHRV operation.

(c) Any person legally responsible and liable under this paragraph shall accompany the person under 14 years of age at all times of OHRV operation.

(d) Except as provided in RSA 215-A:30, IV, an organizer of an event or contest shall be responsible for ensuring that each participant under 14 years of age is accompanied at all times.

III. A person 12 years of age or older operating an OHRV shall carry evidence of compliance with subparagraph I(b) in the form of a valid driver's license or evidence of successfully completing an OHRV training program. The person shall present such evidence to any law enforcement officer who is empowered to enforce this chapter, upon demand of such law enforcement officer.

III-a. The provisions of paragraphs I and III shall not apply to any person participating in an OHRV training program. The provisions of paragraph II shall not apply to any person teaching an OHRV training program.

7 Events; Exceptions. RSA 215-A:30, II is repealed and reenacted to read as follows:

II. Unregistered OHRVs may be operated as part of an organized, commercial OHRV event or contest that takes place on property owned by the organizer of such event or contest, without a permit being obtained under paragraph I.

III. The OHRV training and driver's license requirements of RSA 215-A:29, I(b) and III shall not apply to any person participating in an organized event or contest permitted under this section or in an event not requiring a permit as provided for in paragraph II.

IV. The provisions of RSA 215-A:29, I(a) and II shall not apply relative to any person under 14 years of age participating in an organized event or contest, where the organizer of the event or contest has obtained landowner permission and procured a permit from the executive director for such type of activity in the same manner and under the same terms as provided in paragraph I. The organizer of the permitted event or contest shall be responsible for maintaining conditions that have the effect of ensuring actual physical direction and control over participants under 14 years of age.

8 Closing or Zoning of Trail. Amend RSA 215-A:42, III to read as follows:

III. The bureau may not permanently close a trail under paragraph II to ATV or trail bike use *except upon a request made to the commissioner of resources and economic development to act under RSA 216-F:2, III, and not* without first holding a public hearing in the local area in which the trail is located. Such hearing shall be *noticed to the requesting party and the governing body of the affected municipalities and* advertised at least 14 days prior to the hearing in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

9 New Trail Screening Process. Amend RSA 215-A:43, II, (d) – (f) to read as follows:

(d) The ~~[proposal is compatible with]~~ *bureau has given due consideration to* local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The ~~[proposal is compatible with]~~ *bureau has given due consideration to* local noise and obnoxious use ordinances.

10 Bureau of Trails; Internet Reference. Amend RSA 215-A:43, III to read as follows:

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on ~~[the]~~ *a public accessible Internet site maintained by the bureau*. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

11 New Paragraph; State Rail Trails Use Exempted. Amend RSA 215-A:43 by inserting after paragraph IV the following new paragraph:

V. This section shall not apply to the change in use designation of rail trails to include ATV and trail bike use.

12 Statewide Trail System; Advisory Committee; Membership Changed. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of state planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of ~~[wheel vehicle users]~~ *Granite State ATV Association*; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hamp-



shire Forests; the New Hampshire Heritage Trail; *the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.*; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

13 New Section; Statewide Trail System; Best Management Practices; Limit on Expenditures. Amend RSA 216-F by inserting after section 5 the following new section:

216-F:6 Best Management Practices; Limit on Expenditures. The commissioner of the department of resources and economic development shall identify and publish best management practices for erosion control during trail maintenance and construction. The practices shall be based on the type of activity that is occurring or may occur on a trail, site conditions such as terrain, soil type, and water presence and flow. State funds shall only be expended for work on wheeled OHRV trails that are constructed and maintained in accordance with the best management practices.

14 Municipal Noise Ordinances Encouraged. In recognition of the fact that a large portion of the complaints that are raised against wheeled OHRVs operating in the state is associated with unacceptable noise levels experienced by persons on lands abutting the area of operation, the general court hereby encourages municipalities to enact noise ordinances under existing statutory authority of RSA 31:39 and RSA 47:17.

15 Repeal. RSA 215-A:19, VIII, relative to the refund of OHRV fines after completing a training program, is repealed.

16 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill makes various changes to the laws governing off highway recreational vehicles and the statewide trail system.

Adopted.

Rep. Lars Christiansen spoke against and yielded to questions.

Rep. Lawton spoke in favor.

Report adopted and ordered to third reading.

**HB 613-FN-L**, relative to incineration and air quality. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence C. Ross for Science, Technology and Energy: This bill, as introduced, restricted the operation of the municipal waste combustor facility in Claremont. It would have required the shut down of the facility on those days declared as "air quality action days" by the Department of Environmental Services (DES), and for a period of 24 hours after the air quality action day had been lifted. Testimony by DES indicated that such action would have no appreciable effect due to the fact that most air quality alerts are triggered by circumstances outside the state and motor vehicle emissions. The committee made its decision after discovery and discussion that such closures would be costly in terms of economic impact while achieving no significant environmental impact. Vote 10-4.

Adopted.

**HB 261**, relative to lucky 7 licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee agreed to increase the Lucky 7 license application period to 12 consecutive months and amended the bill to allow financial reports to the commission relative to Lucky 7 within 105 days from the date of issue and every 90 days thereafter. Vote 12-4.

### Amendment (0112h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Financial Reports. Amend RSA 287-E:24, I to read as follows:

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-E:20 to the commission *within 105 days from the date of issue and every 90 days thereafter, or* within 15 days after the expiration date of the license, *whichever occurs first*.

Adopted.

Report adopted and ordered to third reading.

**HB 370-FN**, relative to the dispensing of lucky 7 tickets. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Daniel M. Hughes for the Majority of Ways and Means: This bill would allow the playing of electronic Lucky 7 games through mechanical video display means utilizing cartridge-based, computerized gaming systems. All player stations would be linked to a central computer network that distributes the electronic Lucky 7 tickets for each cartridge to all player stations within a site network. The Sweepstakes Commission is unable to estimate the fiscal impact of this bill although many current Lucky 7 outlets did testify that this system would greatly enhance their sales. Testimony from the office of the Attorney General stated that this bill effectively legalizes a form of video gambling and would lead to many social and criminal problems associated with gambling. Vote 10-8.

Rep. Christopher C. Pappas for the Minority of Ways and Means: The minority of Ways and Means disagrees with the majority's assertion that this bill expands gambling. To the contrary, HB 370 only allows for Lucky 7 tickets to be played in video form at charitable gaming halls. This bill permits charities to have up to five touch screen machines on which players can open Lucky 7 pull tab tickets. The minority strongly believes that this is not, and could never be, a slot machine. The internal mechanism draws electronic tickets out of a cartridge, which is analogous to the boxes of Lucky 7 tickets.

Reps. Christopher Pappas and Gibson spoke against.

Rep. Heon spoke against and yielded to questions.

Reps. Hughes, Major and Hess spoke in favor and yielded to questions.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 272 NAYS 93

### YEAS 272

#### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Flanders, Donald  
Pilliod, James  
Whalley, Michael

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Clark, Charles  
Laflam, Robert  
Thomas, John

#### CARROLL

Babson, David Jr  
McConkey, Mark  
Patten, Betsey

Brown, Carolyn  
Morrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Kenney, Bettie  
Olimpio, J Lisbeth

#### CHESHIRE

Allen, Peter  
Fish, Douglas  
Manning, Joseph  
Richardson, Barbara  
Weed, Charles

Batchelder, Robert  
Hunt, John  
Meador, David  
Robertson, Timothy

Dexter, Judson  
Laurent, John  
Pratt, Irene  
Royce, H Charles

Espiefs, Peter  
Liebl, George  
Pratt, John  
Smith, Edwin

#### COOS

Brady, Mark  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton

Richardson, Herbert

#### GRAFTON

Akins, Ralph  
Benn, Bernard  
Dorsett, Andrew  
Ham, Bonnie  
Naro, Debra  
Solomon, Peter

Alger, John  
Bleyler, Ruth  
Dudley, Terri  
Hammond, Lee  
Nordgren, Sharon  
Sorg, Gregory

Almy, Susan  
Cooney, Mary  
Gilman, G Michael  
Ingbertson, Paul  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Diamond, Estelle  
Giuda, Robert  
Maybeck, Margie  
Sokol, Hilda

#### HILLSBOROUGH

Adams, Jarvis  
Barry, J Gail  
Bergin, Peter

Allen, Timothy  
Batula, Peter  
Bouchard, David

Arnold, Thomas Jr  
Beaton, William  
Brassard, Paul

Balboni, Michael  
Bergeron, Jean-Guy  
Brundige, Robert

Bruno, Pierre  
Cernota, Albert  
Coughlin, Pamela  
Drisko, Richard  
Ford, Nancy  
Greenberg, Gary  
Hansen, Ryan  
Holden, Randolph  
Jasper, Shawn  
Leach, Edward  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan

Carlson, Donald  
Chabot, Robert  
Desmarais, Vivian  
Elliott, Larry  
Gargas, Carolyn  
Hagan, Barbara  
Harrington, Paul  
Hopper, Gary  
Kurk, Neal  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Wheeler, James

Carter, Jeffrey  
Christensen, D L Chris  
Dionne, Kimberley  
Emerton, Larry  
Gonzalez, Carlos  
Hall, Charles  
Haytayan, Harry Jr  
Infantine, William  
L'Heureux, Robert  
McElroy, Henry Jr  
Messier, Irene  
Movsesian, Lori  
Pilote, Maurice  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, Robert

Carter, Mark  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Goulet, Maurice  
Hallyburton, Margaret  
Hinkle, Peyton  
Irwin, Anne-Marie  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Tahir, Saghir

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
DeJoie, John  
French, Barbara  
Kenison, Leon  
Lockwood, Priscilla  
McCormick, Tom  
Reed, Dennis

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
Gile, Mary  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward  
Soltani, Tony

Bouchard, Candace  
Currier, David  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Marple, Richard  
Owen, Derek  
Wallner, Mary Jane

Brueggemann, Donald  
Daniels, Eric  
Field, William  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Potter, Frances

### ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Bicknell, Elbert  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald  
Welch, David  
Winchell, George

Blanchard, MaryAnn  
Coes, Betsy  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Moore, Benjamin  
O'Neil, Michael  
Putnam, Ed II  
Scamman, Stella  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Camm, Kevin  
Cooney, Richard  
Doyle, Christopher  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Manning, John  
Morris, Richard  
Packard, Sherman  
Rausch, James  
Shultis, Elizabeth  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Easson, Timothy  
Keans, Sandra  
Newton, Clifford  
Scott, David  
Vachon, Dennis

Campbell, W Packy  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Creteau, Irene  
Hollinger, Jeffrey  
Miller, Joseph  
Rous, Emma  
Snyder, Clair  
Woods, Phyllis

Dunlap, Patricia  
Johnson, Nancy  
Musler, George  
Schmidt, Peter  
Twombly, James

### SULLIVAN

Allison, David  
Harris, Sandra  
Rodeschin, Beverly

Flint, Gordon Sr  
Jones, Constance

Franklin, Peter  
Leone, Richard

Harris, Joseph  
Phinizy, James

## NAYS 93 BELKNAP

Lawton, David

## CARROLL

Dickinson, Howard

## CHESHIRE

Dunn, James

Eaton, Daniel

Mitchell, McKim

Parkhurst, Henry

## COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

Woodward, David

## GRAFTON

Densmore, Edward

Gionet, Edmond

## HILLSBOROUGH

Artz, Lawrence

Baroody, Benjamin

Buckley, Raymond

Buhlman, David

Cail, Kenneth

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Crane, Elenore Casey

Fields, Dennis

Gibson, John

Gorman, Mary

Goyette, Peter Jr

Graham, John

Haley, Robert

Hawkins, Ken

Jean, Claudette

Johnson, Lionel

Katsiantonis, Thomas

Konys, Christine

Kopka, Angeline

Kudalis, Debra

Laflamme, Charles

LaFlamme, Paul

Lasky, Bette

Lefebvre, Roland

Lessard, Rudy

Malloy, Chris

McDonough-Wallace, Alice

Ober, Russell III

Palangas, Eric

Pappas, Christopher

Shaw, Barbara

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

## MERRIMACK

Davis, Frank

Foley, Albert

Fraser, Leo Jr

Hamm, Christine

Kennedy, Richard

Osborne, Jessie

Ouellette, Robert

Perkins, Randy

Rush, Deanna

## ROCKINGHAM

Allen, Mary

Bishop, Franklin

Bridle, Russell

Davidson, Robert

DiFruscia, Anthony

Duffy, James

Dupuis, Roland

Flanders, John Sr

Flayhan, Mary Lou

Ingram, Russell

Kelley, Jane

Langone, John

McCann, Richard

Pantelakos, Laura

Quandt, Matthew

Robertson, Carl

Smith, Donald

Splaine, James

Vallone, Matthew

## STRAFFORD

Bemis, Alan

Berube, Roger

Bickford, David

Brown, Julie

Callaghan, Frank

Cataldo, Sam

Harrington, Michael

Heon, Richard

Hofemann, Roland

Rollo, Deanna

Taylor, Katherine

Taylor, Kathleen

## SULLIVAN

Cloutier, John

Ferland, Brenda

and the majority report was adopted.

The House recessed at 12:20 p.m.

## RECESS

### (Speaker Chandler in the Chair)

The House reconvened at 1:20 p.m.

**HCR 14**, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for the Majority of Ways and Means: HCR 14 is a rejection of judicial activism. In its Claremont decision the court set out guidelines defining and for funding an adequate

education. The Legislature should find that the court has set such standards not found within the Constitution. This resolution is not a rejection of the judicial responsibility to measure the constitutionality of legislation relating to education or tax policy. It, in fact, makes clear that the Legislature understands and respects the separation of powers. This resolution takes the pulse of the Legislature. The minority questions the purpose of the resolution. That purpose is to make it clear that we find the lines of responsibility between the judicial and legislative branches have been crossed in the Claremont decisions. HCR 14 can be seen as a measure of our resolve to defend our constitutional responsibilities in the future. Justice Horton said it best when in his dissent he stated: "My problem is that I was not appointed to establish educational policy, nor to determine the proper way to finance the implementation of this policy... Those duties, in my opinion, reside with the representatives of the people... My job is to determine whether the structures for providing and financing education..... meet the mandates of the Constitution. Vote 11-7.

Rep. Christine C. Hamm for the Minority of Ways and Means: In declaring that the directives of the judicial branch are not binding upon the legislative and executive branches, this resolution defies the concept of a tripartite, co-equal division of governmental authority, the system of checks and balances established by the framers of the United States Constitution and reaffirmed in The Federalist Papers and by more than two centuries of court decisions. The resolution questions the judicial branch's most basic responsibility, the right to interpret the state's constitution. Members of the committee believe that, carried to its logical conclusion, such an assertion threatens the basic rights of all members of society to seek judicial redress. Passage of the resolution, while non-binding in law, is an impediment to effective governance and an unworthy use of legislative power.

### **Majority Amendment (0434h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

Amend the resolution by replacing all after the title with the following:

Whereas, under part 1, article 37 of the constitution of the state of New Hampshire, the 3 essential powers of the government of this state, the legislative, the executive and the judicial, are to be kept as separate from and independent of each other as the nature of a free government will admit; and

Whereas, only by a consistent and strict adherence to a separation of the powers of the 3 branches of the government can the rights of the people set forth in part 2 of the constitution be preserved, and the form of government set forth in part 2 be maintained; and

Whereas, the language of part 1, article 37 applies with equal force to the judicial as to the legislative and executive branches; and

Whereas, were part 1, article 37 to apply with less force to the judicial than to the legislative and executive branches, the legislative and executive branches would be inferior to, subordinate to, and dependent upon the judicial branch, and our system of government would be oligarchical and not republican; and

Whereas, it is the duty of the executive and legislative branches, pursuant to the oaths taken by their members under part 2, article 84, no less than it is of the judicial branch, pursuant to the oaths taken by its members, not to contravene any portion of the constitution, and to be vigilant for and to oppose any contravention by another branch; and

Whereas, upon the occurrence of a palpable attempt on the part of the judicial branch to exercise any authority inconsistent with the judicial function, it is the right and duty of the legislative and executive branches to intervene to the extent deemed by them necessary, within the scope of their enumerated powers, to oppose and defeat such exercise, thereby to safeguard the fundamental principle of our form of government that each of its 3 branches should be confined to its constitutional limits; and

Whereas, in its decisions in the Claremont school funding cases, the judicial branch unambiguously directed the legislative and executive branches to pass laws "implementing" an "adequate education" based upon "seven criteria articulated by the Supreme Court of Kentucky," and to pass laws establishing "standards of accountability," and unambiguously stated that it reserved for itself the ultimate authority to determine the sufficiency of these laws; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law a certain definition of an "adequate education" or a definition of an "adequate education" based upon or incorporating certain criteria or parameters, or to enact into law any definition of an "adequate education" at all, adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law "standards of accountability," adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, in its decisions in the Claremont school funding cases, the judicial branch unambiguously directed the legislative and executive branches to fund public education and unambiguously directed the legislative and executive branches how to do so; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law a certain system for funding public education or a system for funding public education based upon or incorporating certain criteria or parameters, or that the legislative and executive branches are required to enact into law any system at all for funding public education, adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, at no time over the course of the 2 centuries of New Hampshire's statehood prior to the Claremont decisions did the judicial branch ever assert any authority to control, direct, or shape the educational policies to be pursued by the legislative and executive branches in terms of "adequacy" or any other qualitative measure; and

Whereas, at all times over the course of the 2 centuries of New Hampshire's statehood prior to the Claremont decisions, the judicial branch confined its review of statutory enactments and administrative actions respecting education to the constitutionality of the challenged statute or action and never considered the "adequacy" or any other qualitative measure of the statute or action.

Whereas, for the legislative and executive branches to treat as binding upon them any ruling by the judicial branch directing them to enact definitions agreeable to the judicial branch of "adequate education," or "systems of accountability" or to enact a particular system for funding public education, would attenuate the republican form of government established by part 2 of the New Hampshire constitution, and be subversive of representative government; and

Whereas, the scope of part 2, article 83 is not limited to cherishing the interest of public schools alone, but expressly encompasses as well cherishing the interest of literature, the sciences, and all seminaries; and further expressly states there to be a duty to "encourage," "countenance" and "inculcate" many other pursuits and virtues as well; and

Whereas, by its very terms, and in accordance with its original understanding, part 2, article 83 applies equally to the many matters therein enumerated, and the historical record is clear that it was left to the legislative branch to decide which of these matters, if any, would be funded from the public purse and, consistent with the fundamental principle of the separation of powers, these legislative decisions were not subjected to judicial review; and

Whereas, acceptance by the legislative and executive branches of the judiciary's directives in the Claremont decisions would not merely be to surrender to the judiciary a portion of the legislative and executive power to set educational policy, but to set a precedent by which the judiciary may justify the exercise of legislative and executive policy-making powers over any number of other matters; and

Whereas, the Claremont directives that the legislative and executive branches must enact a certain definition of an "adequate education," and "systems of accountability" and a certain system of funding public education constitute a palpable exercise by the judicial branch of powers not granted to it by the constitution of New Hampshire, and the legislative and executive branches have the right and are duty bound to prevent the exercise of such powers in order to maintain within their respective limits the three branches of the government of this state; and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to define an "adequate education;" and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to adopt "standards of accountability;" and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to "guarantee adequate funding" of public education; now therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the legislature, having fully considered the foregoing enumeration of constitutional principles and having fully considered the foregoing enumeration of deficiencies inherent to the Claremont rulings, finds that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

#### AMENDED ANALYSIS

This house concurrent resolution declares the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

Majority amendment adopted.

Reps. John Pratt, Espieffs and Marjorie Smith spoke against.

Reps. Jasper and Sorg spoke in favor.

Rep. Giuda spoke in favor and yielded to questions.

Rep. Almy requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

#### YEAS 213 NAYS 142

##### YEAS 213

##### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Lawton, David  
Wendelboe, Fran

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Whalley, Michael

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Clark, Charles  
Laflam, Robert  
Thomas, John

##### CARROLL

Babson, David Jr  
Kenney, Bettie  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

##### CHESHIRE

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

Liebl, George

##### COOS

Brady, Mark  
Stohl, Eric

King, Frederick  
Woodward, David

Pratt, Leighton

Richardson, Herbert

##### GRAFTON

Alger, John  
Gionet, Edmond  
Maybeck, Margie

Dorsett, Andrew  
Giuda, Robert  
Sorg, Gregory

Dudley, Terri  
Ham, Bonnie

Gilman, G Michael  
Ingbretson, Paul

##### HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Cernota, Albert  
Coughlin, Pamela  
Emerton, Larry  
Gibson, John

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Crane, Elenore Casey  
Fields, Dennis  
Gonzalez, Carlos

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Fletcher, Richard  
Goyette, Peter Jr

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Carter, Mark  
Christiansen, Lars  
Dionne, Kimberley  
Gargas, Carolyn  
Graham, John

Greenberg, Gary  
Harrington, Paul  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Hagan, Barbara  
Hawkins, Ken  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Mosher, William  
Pepino, Leo  
Scanlon, Michael  
Tate, Joan

Hall, Charles  
Hinkle, Peyton  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Wheeler, James

Hansen, Ryan  
Holden, Randolph  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
Ober, Russell III  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

## MERRIMACK

Anderson, Eric  
Field, William  
Kenison, Leon  
Leber, William  
McCormick, Tom

Currier, David  
Foley, Albert  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

Daniels, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Soltani, Tony

## ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Dalrymple, Janeen  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Holland, James Jr  
Itse, Daniel  
Kobel, Rudolph  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Belanger, Ronald  
Camm, Kevin  
Dearborn, Bruce  
Dupuis, Roland  
Francoeur, Sheila  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Welch, David  
Winchell, George

Bicknell, Elbert  
Carson, Sharon  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Weldy, Norman Jr

Bishop, Franklin  
Clark, Vivian  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Easson, Timothy  
Newton, Clifford

Bemis, Alan  
Harrington, Michael  
Scott, David

Campbell, W Packy  
Hollinger, Jeffrey  
Twombly, James

Cataldo, Sam  
Musler, George  
Woods, Phyllis

## SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

## NAYS 142

## BELKNAP

Pilliod, James

## CARROLL

Derby, Mark

## CHESHIRE

Allen, Peter  
Eaton, Daniel  
Mitchell, McKim  
Richardson, Barbara

Batchelder, Robert  
Espieffs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Dexter, Judson  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Dunn, James  
Meador, David  
Pratt, John

## COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert



**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Williams, Burton		

**HILLSBOROUGH**

Baroody, Benjamin	Bergin, Peter	Brassard, Paul	Buckley, Raymond
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Ford, Nancy	Gorman, Mary	Haley, Robert
Hallyburton, Margaret	Haytayan, Harry Jr	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Malloy, Chris
McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Shaw, Barbara	Spiess, Paul
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Lockwood, Priscilla	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Reed, Dennis	Rush, Deanna	Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Coes, Betsy	Cooney, Richard	DiFruscia, Anthony
Gleason, John	Gould, Kenneth	Johnson, Robert	Kelley, Jane
Langone, John	McEachern, Paul	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Vallone, Matthew	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

**BILLS REMOVED FROM THE CONSENT CALENDAR****HB 504**, relative to refinancing home mortgages. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The intent of this legislation would be to amend the terms of a mortgage without affording the lender to do all that it normally does in financing a new mortgage. The committee was unanimous in believing that if the provisions of the bill and/or the proposed amendment were adopted, lenders would be very reluctant to continue to make loan modifications that save the consumer from a full blown refinancing with its corresponding closing costs. Vote 18-0.

Rep. Jacobson spoke against.

Reps. Fraser and Hunt spoke in favor.

Adopted.

**HB 573-FN, relative to motor vehicle insurance. INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have further restricted the use of parts that were not manufactured by the original automobile manufacturer for automobiles that are older than two years. The committee felt that the insurance department has addressed this with a pro-active consumer brochure that informs the policyholder of their rights under RSA 417:4 and Regulations Ins. 1001.02, 1001.03 and 1001.05. Any further restrictions would only increase the costs and be passed to the policyholder in higher premiums. Vote 12-2.

Rep. Lars Christiansen spoke against.

Rep. Liebl spoke in favor.

Adopted.

**HB 636-FN, relative to mandatory automobile insurance. INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would require mandatory automobile insurance and require the Department of Safety to collect the number plates of those who cancel or non-renew their insurance. The committee feels that New Hampshire has an excellent rate of insured drivers under the laws as they now exist. Vote 12-2.

Rep. Arnold spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Adopted.

**HB 680-FN, relative to services contracts. OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: The majority felt that the bill in its original form raised numerous complex questions. In an effort to effectively address these questions the committee adopted an amendment, which would establish a study committee. This amendment would also repeal the law regarding legal service insurance in order to start from a clean slate. Vote 12-2.

**Amendment (0865h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study service contracts and repealing the law regarding legal services insurance.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study service contracts, including prepaid legal services contracts.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study service contracts, including prepaid legal services contracts.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Reference Deletion. Amend RSA 404-D: 3, I to read as follows:

I. This chapter shall apply to direct life insurance policies, health insurance policies, ~~legal services insurance policies;~~ annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized to transact insurance in this state at any time. The term health insurance is intended to include "accident and health" insurance, "sickness and accident" insurance, and "disability" insurance ~~[and for the purposes of this chapter shall also include "legal services insurance" as defined by RSA 415-C].~~

7 Repeal. RSA 415-C, relative to legal services insurance, is repealed.

8 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study service contracts, including prepaid legal services contracts.

This bill also repeals the law regarding legal services insurance.

Adopted.

Report adopted and ordered to third reading.

**HB 524-FN**, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill amends RSA 651:5, annulment of criminal records. Any person convicted of an offense may petition for an annulment of such record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and in the instance of a class A misdemeanor for violation of a protective order the time limit to qualify for an annulment shall be six years and a domestic violence misdemeanor shall not be eligible for an annulment. Vote 14-1.

## Amendment (0854h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the annulment of certain domestic violence offenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Sentences; Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82, for a period of time as follows:

(a) For a violation, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(b) For a class B misdemeanor except as provided in subparagraph [(f)] (g), 3 years.

(c) For a class A misdemeanor except as provided in subparagraph [(f)] (g), 3 years.

**(d) For a class A misdemeanor under RSA 173-B:9, III, 6 years.**

[(d)] (e) For a class B felony except as provided in subparagraph (g), 5 years.

[(e)] (f) For a class A felony, 10 years.

[(f)] (g) For sexual assault under RSA 632-A:4, 10 years.

[(g)] (h) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

2 Annulment of Criminal Records; Firearms-related Offenses. Amend RSA 651:5, V to read as follows:

V. No petition shall be brought and no annulment granted in the case of any violent crime, of any crime of obstruction of justice, **or any crime that constitutes a domestic violence misdemeanor as defined in 18 U.S.C. section 921(a)(33)(A)(ii)**, or of any offense for which the petitioner was sentenced to an extended term of imprisonment under RSA 651:6.

3 Effective Date. This act shall take effect January 1, 2004.

## AMENDED ANALYSIS

This bill provides that class A misdemeanor convictions for domestic violence offenses shall not qualify for annulment for at least 6 years after completion of the terms of the sentence and that a domestic violence misdemeanor shall not be eligible for annulment.

Rep. Welch spoke against the committee amendment.

Amendment failed.

Rep. Knowles offered a floor amendment (0977h).

## Floor Amendment (0977h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the annulment of certain domestic violence offenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Sentences; Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82, for a period of time as follows:

(a) For a violation, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(b) For a class B misdemeanor except as provided in subparagraph (f) (g), 3 years.

(c) For a class A misdemeanor except as provided in subparagraph (f) (g), 3 years.

**(d) For a class A misdemeanor under RSA 173-B:9, III, 6 years.**

~~(f)~~ (e) For a class B felony except as provided in subparagraph (g), 5 years.

~~(e)~~ (f) For a class A felony, 10 years.

~~(f)~~ (g) For sexual assault under RSA 632-A:4, 10 years.

~~(g)~~ (h) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

2 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

This bill provides that class A misdemeanor convictions for domestic violence offenses shall not qualify for annulment for at least 6 years after completion of the terms of the sentence.

Rep. Knowles spoke in favor.

Floor amendment (0977h) adopted.

Report adopted and ordered to third reading.

**HB 133-L**, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The overwhelming majority of the committee felt strongly that this was a local issue pending court action and not within the committee's ability or purview to resolve at this time. Vote 15-3.

Rep. Stephen L'Heureux moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Education.

**HB 119**, relative to removing names from the checklist. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill, as amended, will enable the supervisors of the checklist to remove names from the checklist when reliable evidence is provided that a person has changed their place of domicile. A copy of this evidence shall be retained for a 5-year period. The passage of HB 119 as amended will provide a uniform means of maintaining an accurate up-to-date checklist. Vote 18-1.

### Amendment (0720h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Periodic Maintenance and Verification of Checklists; Evidence of Change of Domicile. Amend RSA 654 by inserting after section 37 the following new section:

654:37-a Evidence of Change of Domicile. If the supervisors of the checklist have received reliable documentary evidence that a voter whose name is on the checklist has left the town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain for 5 years the evidence, or copies of the evidence, as proof of their reasoning in striking the name from the checklist.

2 Removing Names from Checklist, Notice Required; Exception Added. Amend RSA 654:44, II to read as follows:

II. The provisions of this section do not apply to the removal of the names of persons for whom the supervisors have received a report of transfer or death as provided in RSA 654:36 or 654:37, *nor to the removal of names of persons for whom the supervisors have received evidence of change of domicile as provided in RSA 654:37-a*, nor to the removal of names during the period for verification of the checklist as provided in RSA 654:38 or 654:39, nor to the removal of names of persons for whom they have received a notice from a duly authorized board of registration from a community outside New Hampshire stating that a person whose name is on the checklist of the town or ward in New Hampshire has registered to vote outside New Hampshire.

## AMENDED ANALYSIS

This bill requires the supervisors of the checklist to remove the name of a voter from the checklist upon receiving reliable documentary evidence that the voter has left the town or city.

Rep. Stretch moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Election Law.

**HB 795**, establishing a committee to study deaths and injuries caused by OHRV use by minors.  
**INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would establish a six-member legislative study committee to research information on deaths and injuries caused by OHRV use by minors. The committee does not recommend a study committee at this time for two reasons. First, a legislative study committee recently recommended legislation which the Resource Committee has endorsed which includes restrictions on the operation of OHRV's by minors. That legislation should be given time to work before further study is undertaken. Secondly, the committee believes that data regarding the deaths and injuries caused by OHRV use by minors is already being compiled by the New Hampshire Fish and Game Department and they are actively developing education programs to address these problems. Vote 11-4.

Rep. Nordgren spoke against.

Rep. Royce spoke in favor.

On a division vote, 224 members having voted in the affirmative and 125 in the negative, the report was adopted.

**HB 787-FN-A**, relative to renewable energy promotion. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward R. Leach for Science, Technology and Energy: Recognizing that the New Hampshire forest product industry is a key component of the state's economy, the committee held numerous work sessions crafting this piece of legislation to help assure a market for low-grade timber in the State. The roots for this bill go back many years. But the current conjoining began at the end of last session when the House authorized a study committee to investigate methods of supporting the continued operation of wood-fired electrical generating facilities whose output is no longer sold through power sales rate orders. The linkage between wood fired plants and the timber industry is that more than fifty percent of the fuel utilized in these plants comes from low-grade timber. This timber, when removed from the forest, encourages a much faster and stronger regeneration of the forest and also contributes substantially to the economic vitality of the timber and sawmill industries. According to the Department of Resources and Economic Development, the wood plants themselves represent a total annual economic impact to the state's economy of about \$96 million. While recognizing the difficulty for these plants to acutely compete with other, larger, electrical generators, the committee concurrently weighed that against the impact that removal of these plants would have on the timber industry specifically and the state as a whole. Aggressive actions are already underway to identify new and heretofore unexplored possible markets for this low-grade timber. The bill itself underscores the necessity and importance of this by establishing a Task Force to Promote the Low-Grade Forest Products Market. While these new markets are being pursued, the bill provides a funding mechanism to keep eligible wood-fired generation facilities in operation during the term of the program that is approximately five years. Using a carefully calibrated formula that includes numerous measurements such as capacity rating, average rate, and other variables, the bill creates the Forest Product Utilization Program. This program will be primarily funded from the Energy Efficiency component of the Systems Benefits Charges that are already in place for most utilities throughout the state. Utilities and municipal systems not having a systems benefit charge shall collect \$0.0001 per kilowatt-hour distributed to its customers. This small, but widespread revenue stream, will flow into a newly created Forest Products Utilization Fund that will provide the necessary funding to keep the plants viable. The total amount in the fund may not grow in excess of \$1.1 million. Eligibility to participate in the fund will require review by the Public Utilities Commission that has the same requirements that a public utility is subject to in a rate proceeding or an adjudicative proceeding before the Commission. The Commission is also charged with the task of making a public interest determination that will demonstrate that payment under the program will preserve NH jobs related to the low-grade forest products industry. Vote 13-2.

**Amendment (0825h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that the New Hampshire forest products industry is a significant component of the state's economy. As such, an economically healthy forest products industry is important to the economic well-being of the state. The low-grade forest products market is a key part of the forest products industry, therefore every effort should be made to promote viable uses of low-grade forest products.

2 Intent. It is the intent of the general court that the program established under sections 4-10 of this act, and funded from system benefits charges and other electric charge revenues, shall serve as a temporary means to assist in maintaining the low-grade forest products market by providing payments, within a restricted amount of funding, to make it economically feasible for eligible wood-fired generation facilities to operate during the term of the program. It is also the intent of the general court that a more permanent solution to sustaining the low-grade forest products market be developed by all concerned parties in the near future.

3 Forestry; Policy, Definitions, and Administration; Forest Products Promotion. Amend RSA 227-G by inserting after section 3 the following new section:

227-G:3-a Forest Products Promotion. The department shall develop a program to promote the New Hampshire forest products industry. The department's program shall support the operation of viable existing or new industries and companies in New Hampshire that use low-grade forest products.

4 Definitions. In sections 4-10 of this act:

I. "Average rate" means the sum of all revenues received or to be received by an eligible facility for eligible kilowatt-hours produced and sold during a production period, whether from sales to the New England Independent System Operator, sales under any contract, or sales pursuant to statutory mandates other than this act, divided by the eligible kilowatt-hours produced and sold during that production period.

II. "Billing cycle" means the regular period for which the eligible facility was paid for its electrical output for sales under its rate order.

III. "Capacity rating" means the output potential of a wood-fired, qualifying small power production facility as set forth in the commission Docket DR 89-148 settlement agreement of August 5, 1992 by and among Public Service Company of New Hampshire, the commission, and 6 therein listed New Hampshire wood-fired power facilities which, among other matters, settled the amount of capacity and energy output which could be produced under their respective rate orders.

IV. "Commission" means the New Hampshire public utilities commission.

V. "Department" means the department of resources and economic development.

VI. "Eligible facility" means any wood-fired, qualifying small power production facility for which the commission issued an order between November 1, 2001 and November 30, 2001 releasing the facility from all or part of its obligation under a rate order to sell energy or energy and capacity from the facility at specified long-term rates.

VII. "Eligible kilowatt-hours" means the number of kilowatt-hours produced by an eligible facility in a production period, up to the facility's kilowatt-hour limit, reduced by those kilowatt-hours required to be produced under a privately-negotiated legal obligation existing on December 31, 2001, or then existing and later amended, and produced during the production period.

VIII. "Forest products utilization rate" means \$0.06 per kilowatt-hour, unless adjusted by the commission under section 8 of this act.

IX. "Fund" means the forest products utilization fund established under section 10 of this act.

X. "Kilowatt-hour limit" means the number of kilowatt-hours that an eligible facility could produce during a production period if operated at 100 percent of its capacity rating.

XI. "Participant" means the owner of an eligible facility that has been enrolled in the forest products utilization program in accordance with the provisions of this act.

XII. "Production costs" means the sum of:

(a) The participant's reasonable and prudent fuel, maintenance, operation, and administration costs incurred by or properly chargeable to the participant, without duplication, for the opera-

tion and maintenance of the eligible facility, including, without limitation, payments for fuel, additives or chemicals and transportation costs related thereto, salaries, benefits to employees, taxes other than those based upon the participant's income, insurance, consumables, payments under any lease, payments pursuant to agreements for the management, operation, and maintenance of the eligible facility, legal fees and expenses paid by the participant in connection with the management, operation, and maintenance of the eligible facility, fees paid in connection with obtaining, transferring, maintaining, or amending any permits or otherwise complying with any requirements or any local, state, or federal governmental authority with jurisdiction over the eligible facility, and general and administrative expenses, depreciation, utilities, transmission costs, ash handling and disposal, expenditures or reserves for repairs, capital replacement, and major maintenance, and all other costs properly allocable to the eligible facility.

(b) A return on investment, at the rate determined by the commission pursuant to paragraph V of section 8 of this act, on the eligible facility's depreciated net book value of plant in service.

(c) The cost to the participant of participating in any proceedings before the commission, including the reasonable and prudent fees and expenses of its counsel and experts.

XIII. "Production period" means a period corresponding to a billing cycle during which the electrical output is produced.

XIV. "Rate order" means a commission-approved long-term power sales order respecting a particular eligible facility and issued as part of the state's implementation of the Public Utility Regulatory Policies Act of 1978.

5 Forest Products Utilization Program. There is hereby established a forest products utilization program in which eligible facilities may be voluntarily enrolled. The term of enrollment shall be through midnight, December 31, 2006, unless earlier terminated pursuant to paragraph IV of section 8 of this act. Eligibility verification by the department and acceptance by signature under section 6 of this act shall be a legally enforceable obligation upon both the department and the participant for the foregoing term to abide by the provisions of sections 4-10 of this act and the terms of the enrollment approval document, to the extent the enrollment approval document is in conformance with sections 4-10 of this act.

#### 6 Enrollment.

I. An owner of an eligible facility may apply to the department to become enrolled in the forest products utilization program by providing, to the satisfaction of the department, the following information:

(a) A statement of the eligibility of the facility, as determined solely by the definition of eligible facility under paragraph VI of section 4 of this act;

(b) The billing cycle and associated production periods of the eligible facility;

(c) The capacity rating, kilowatt-hour limit, and the kilowatt-hour production requirements of any privately-negotiated legal obligation existing on December 31, 2001, or then existing and later amended, including a copy of such, to be used to compute the eligible kilowatt-hours for the eligible facility;

(d) A statement of the fuel required to be combusted at the eligible facility under any agreements associated with the termination of its rate order and copies of all such agreements; and

(e) Adequate credit security to ensure payment of any payments required pursuant to paragraph II of section 7 of this act and section 9 of this act.

II. The department shall expeditiously verify the eligibility of the facility based on the definition of eligible facility under paragraph VI of section 4 of this act. If eligibility cannot be verified, the department shall expeditiously notify the applicant in writing and provide a reasonable opportunity for the facility to respond to the department's determination or remedy the basis of any such determination. If eligibility is verified, the department shall expeditiously issue an enrollment approval document for signature on behalf of the eligible facility that details the following:

(a) The enrollment period is through midnight, December 31, 2006, unless earlier terminated pursuant to paragraph IV of section 8 of this act;

(b) The billing cycle and the associated production periods to be used;

(c) The composition of the fuel to be burned based on any agreements the applicant was required to submit under subparagraph I(d);

(d) The method by which eligible kilowatt-hours and the average rate shall be calculated in accordance with this act;

- (e) Documentation requirements for payment submittals; and
- (f) Any required credit security measures.

III. Enrollment in the program shall commence upon receipt by the department of the document signed on behalf of the eligible facility. The document shall become void if not returned to the department within 30 days of issuance, unless an extension is granted by the department. The department shall forward a copy of the signed document to the commission within 3 days of receipt.

#### 7 Payment Process.

I. The participant shall submit to the department, on a billing cycle basis, a statement containing:

- (a) The calculation, in accordance with the method required by the enrollment approval document, of the number of eligible kilowatt-hours produced during the production period as taken from the eligible facility's meter reading and invoices to purchasers;
- (b) The calculation of the average rate for the production period;
- (c) The calculation of any payments due in accordance with paragraph II; and
- (d) A statement that the fuel burned during the production period complies with all agreements the eligible facility may have on such fuel composition and a quantification of such fuel amounts. With each statement submitted, the eligible facility shall submit a certification documenting that at least 85 percent of the wood combusted and attributable to eligible kilowatt-hours during the period was obtained from suppliers, procurers, or sources located in this state.

II. The department shall review and verify the calculations submitted. If the average rate is less than the forest products utilization rate, then the department shall make payment to the participant from the fund, to the extent moneys are available, in an amount equal to the positive difference between the average rate and the forest products utilization rate multiplied by the eligible kilowatt-hours. If the average rate is greater than the forest products utilization rate, then an amount equal to 50 percent of the positive difference between the average rate and the forest products utilization rate multiplied by the eligible kilowatt-hours shall be paid by the participant to the department. Any payment due under this paragraph shall be timely made using the same time for payment used under the eligible facility's terminated rate order.

#### 8 Adjustment of Forest Products Utilization Rate.

I. Within 30 days of a participant's enrollment in the forest products utilization program, the commission shall commence a proceeding, that shall include an adjudicative proceeding, to adjust, if needed, the forest products utilization rate that shall apply to the participant's eligible facility, as provided for in paragraph II. The participant shall be subject to the same requirements that a public utility is subject to in a rate proceeding or an adjudicative proceeding before the commission, including, but not limited to, the provisions of RSA 365:6, RSA 365:10, RSA 365:12, RSA 365:14, RSA 365:15, RSA 365:16, RSA 365:17, RSA 365:18, RSA 365:21, RSA 365:29, RSA 365:38, 365:41-44, and RSA 366. Within 30 days of a participant's enrollment in the forest products utilization program, the participant shall file with the commission such information as necessary to comply with the commission's rules applicable to a public utility regarding rate case filing requirements, in the form and detail as specified therein, or as modified by the commission. Such filing shall include written testimony and all documentation in support of the participant's calculations of its average rate and production costs, along with such written attestation as required by commission rule.

II. The commission shall, as it can best determine and if needed, adjust the forest products utilization rate that shall apply to the participant's eligible facility to provide revenues that will be equivalent to the production costs for eligible kilowatt-hours during the term of enrollment, provided such adjustment does not increase the rate above the initial rate established in paragraph VIII of section 4 of this act. The commission may include an automatic adjustment mechanism to apply to the rate to account for future changes in productions costs, based on a generally recognized economic indicator that measures inflationary pressures in the region. Such automatic adjustment mechanism may increase the rate above the initial rate established in paragraph VIII of section 4 of this act. The commission shall conclude its responsibilities under this paragraph within 6 months of the participant's completed filing required by paragraph I.

III. As part of the proceeding, the commission shall make a public interest determination based solely on whether the following conditions are likely to occur:

- (a) Payments received by the participant under the program will preserve New Hampshire jobs related to the low-grade forest products industry, not including those within the eligible facility; and



(b) The price of the fuel used by the eligible facility will be comparable to the market price as a whole for such type of fuel.

IV. If the public interest conditions in paragraph III are not likely to occur, then the commission shall notify the department of its determination and the department shall terminate the participant's enrollment in the program.

V. The commission shall, by order, establish a return on investment rate of up to 10 percent to be used for determining the participant's production costs.

9 Review of Sales Revenue. The eligible facility shall provide written notice to its suppliers and procurers to seek to obtain such supply from in-state locations, where it can be done so in a commercially reasonable manner. A participant shall, within reasonable and prudent business practices, maximize sales revenue for eligible kilowatt-hours produced during the term of enrollment. The commission may from time to time, up until 4 months after a participant's enrollment in the program ends, review the participant's sales revenue to determine compliance with this requirement. If the commission determines that a participant has not complied, the commission shall notify the department and shall require the participant to repay to the department any amount received in excess of the amount that would have been received had sales revenue been appropriately maximized. The participant shall make such repayment to the department in equal monthly installments over a period of 12 months, beginning on the date 15 days after the commission's determination. In any review before the commission under this paragraph, the participant shall be subject to the same requirements that a public utility is subject to in a similar review before the commission.

#### 10 Forest Products Utilization Fund Established.

I. There is hereby established in the office of the treasurer the forest products utilization fund. This nonlapsing, revolving special fund shall be continually appropriated to the department only for the purposes specified in this act. The state treasurer shall invest the moneys in the fund as provided by law. Interest received on investments made by the state treasurer shall be credited to the fund.

II. Any payments made by the department to an eligible facility under this act shall be drawn from the fund. Any payments made by an eligible facility to the department under this act shall be deposited in the fund. The treasurer may accept deposits into the fund from other sources not specifically referred to in this act. This paragraph shall not apply to any transactions that occur under paragraph VII after closure of the fund under paragraph VIII.

III. Each public utility having a system benefits charge, including any public utility where authorization for such charges arises at any time during the existence of the program created under section 5 of this act shall pay to the department, by the 15th of each month for deposit in the fund, \$0.0001 per kilowatt-hour distributed to its customers in the prior month; payments shall be made for all electricity distributed by the utility for the period that any eligible facility is enrolled in the program. Notwithstanding any other provision of law, the commission shall allow any such public utility to be reimbursed through that portion of revenues collected from its existing system benefits charge and allocated to energy efficiency programs by the commission.

IV. Each public utility not having a system benefits charge and each municipal electric system furnishing electric utility service shall assess a charge on the utility bill of their customers in the amount of \$0.0001 per kilowatt-hour distributed to its customers during the period that any eligible facility is enrolled in the program created under section 5 of this act or until such time as a system benefits charge is authorized for the public utility. The public utility or municipal electric system shall collect such charge and forward the revenue to the department for deposit in the fund.

V. The provisions of paragraphs III and IV shall be suspended if the balance in the fund reaches or exceeds \$1,100,000. The requirements shall be reinstated if the balance declines to \$750,000 or less.

VI. The department shall not be obligated to make payments to any participant in excess of moneys available in the fund. In the event of insufficient funds, the department shall make partial payments, if possible, and shall make full payments for past due amounts, as expeditiously as possible, when sufficient funds are available.

VII. If, after all required payments have been made into the fund, there are insufficient funds available at the conclusion of the program created under section 5 of this act to pay all claims submitted by eligible facilities, the department shall prorate such claims on an equitable basis and make payment from the available funds. Any unpaid claims surviving the conclusion of the program will not be paid unless funds, which should have been paid into the fund prior to the program conclusion, are later paid to the department.

VIII. Moneys remaining in the fund after all payments due under sections 7 and 9 of this act have been made shall be returned pro rata to the public utilities and municipal electric systems. The public utilities and the municipal electric systems that assessed a charge under paragraph IV shall credit the returned amounts to the benefit of their ratepayers. Public utilities and municipal electric systems who made payments from the system benefits charge shall use the returned funds for any purposes for which a system benefits charge may be used under RSA 374-F:3, VI, as determined by the commission. The department shall disburse such remaining moneys as directed by the commission, at which time the state treasurer shall close the fund account.

11 Eligibility Under Nox Budget Trading Program. Notwithstanding the definition of "renewable energy projects" under administrative rule Env-A 3203.49, any multi-purpose set-aside account established under the NOx Budget Trading Program by the department for renewable energy sources shall include any eligible facility as defined in paragraph VI of section 4 of this act that is enrolled in the forest products utilization program. Any owner of such a facility shall file a request under the trading program for the allocation of NOx allowances. Any allowances received shall be sold by the owner with the intent of maximizing sales revenues. Such revenues shall be deposited in the forest products utilization fund established under section 10.

12 Task Force to Promote the Low-Grade Forest Products Market. The department of resources and economic development shall convene a task force to identify and develop means of promoting a sustainable low-grade forest products market in the state. The department shall work with all interested parties, including the New Hampshire business finance authority, the New Hampshire industrial research center, the community development finance authority, the office of state planning, county and municipal economic development agencies, and the governor's office. The department shall submit an interim report by November 1, 2003 and a final report by November 1, 2004, detailing its efforts, along with any recommendations for legislation, to the speaker of the house of representatives, the senate president, the house science, technology and energy committee, the senate energy and economic development committee, and the state library.

13 Repeal. Sections 4-11 of this act, relative to the forest products utilization program, are repealed.

14 Effective Date.

I. Section 13 of this act shall take effect July 1, 2008.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes a forest products utilization program to make payments to certain wood-fired power production facilities.

II. Establishes per-kilowatt-hour charges on electric distribution to fund the forest products utilization program.

Adopted.

Rep. Michael Harrington spoke against and yielded to questions.

Rep. Thomas spoke in favor.

On a division vote, 270 members having voted in the affirmative and 73 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Peter Allen declared a conflict of interest and did not participate.

### SUSPENSION OF RULES

Reps. Hess and Nordgren moved that the House Rules be so far suspended as to permit introduction and consideration of House Resolution 12 at the present time.

Adopted by the necessary two-thirds.

### RESOLUTION

Reps. Hess and Nordgren offered the following: RESOLVED, that the late drafting having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Resolution numbered 12 shall be by this resolution read a first and second time by its therein listed title.

Adopted.

**INTRODUCTION OF HOUSE RESOLUTION 12****First and second reading**

**HR 12**, affirming revenue estimates for fiscal years 2003, 2004 and 2005. (Major, Rock 79)

**HOUSE RESOLUTION 12**

affirming revenue estimates for fiscal years 2003, 2004 and 2005

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2003, 2004 and 2005 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2003, 2004 and 2005.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2003		FY 2004	FY 2005
GEN'L & ED TRUST FUNDS (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Business Profits Tax	\$267.600	\$242.500	\$226.100	\$232.900
Business Enterprise Tax	<u>162.000</u>	<u>149.000</u>	<u>174.200</u>	<u>178.500</u>
Subtotal	<u>429.600</u>	<u>391.500</u>	<u>400.300</u>	<u>411.400</u>
Meals & Rooms Tax	193.400	176.500	183.600	191.800
Liquor Sales	96.500	102.000	107.100	112.500
Interest & Dividends Tax	79.000	70.300	71.700	73.900
Insurance Tax	63.000	79.200	84.600	89.000
Tobacco Tax	85.000	90.600	90.600	90.600
Other 46.000	49.500	51.200	53.700	
Communications Tax	70.900	63.400	65.600	67.900
Estate & Legacy Tax	54.800	55.000	19.400	11.400
Real Estate Transfer Tax	102.500	122.500	122.600	127.500
Court Fines & Fees	24.400	23.200	23.300	23.300
Utility Tax	5.500	5.900	6.000	6.100
Securities Revenue	28.500	26.000	26.700	28.000
Board & Care Revenue	10.800	10.400	10.700	11.400
Beer Tax	12.212	12.600	12.600	12.600
Horse Racing	2.700	2.600	1.600	1.500
Dog Racing	1.200	1.600	1.700	1.800
Tobacco Settlement Funds	44.400	44.500	36.600	36.600
<b>SUBTOTAL</b>	<b><u>\$1,350.412</u></b>	<b><u>\$1,327.300</u></b>	<b><u>\$1,315.900</u></b>	<b><u>\$1,351.000</u></b>
	(A)	(B)	(C)	(D)
	FY 2003		FY 2004	FY 2005
Other Medicaid Enhancement	13.400	16.300	16.300	16.800
Net Medicaid Enhance. Revenue	94.000	123.900	125.100	137.800
Utility Property Tax	20.500	17.800	19.000	19.500
Statewide Property Tax	485.725	485.700	558.000	603.000
Transfers from Sweepstakes	66.000	66.000	68.500	70.500
<b>TOTAL</b>	<b>\$2,030.037</b>	<b>\$2,037.000</b>	<b>\$2,102.800</b>	<b>\$2,198.600</b>
	(A)	(B)	(C)	(D)
	FY 2003		FY 2004	FY 2005
HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Road Toll - Gross Total	\$149.220	\$144.500	\$146.600	\$148.850
Less Betterment	<u>(\$21.220)</u>	<u>(\$21.500)</u>	<u>(\$21.500)</u>	<u>(\$21.850)</u>
Road Toll - Net Total	\$128.000	\$123.000	\$125.100	\$127.000
Motor Vehicle Fees	86.626	88.500	91.300	93.700
Miscellaneous	8.900	5.000	5.600	6.100
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$223.526</b>	<b>\$216.500</b>	<b>\$222.000</b>	<b>\$226.800</b>

	(A) FY 2003 Official Estimate	(B) Committee Estimate	(C) FY 2004 Committee Estimate	(D) FY 2005 Committee Estimate
<b>FISH &amp; GAME FUNDS:</b> (Dollars in Millions)				
Fish & Game Licenses	\$9.094	\$7.900	\$8.300	\$8.300
Miscellaneous	1.591	1.200	1.300	1.300
<b>TOTAL FISH &amp; GAME FUND</b>	<b>\$10.685</b>	<b>\$9.100</b>	<b>\$9.600</b>	<b>\$9.600</b>

Rep. Major moved Ought to Pass.

Rep. Major spoke in favor and yielded to questions.

Adopted.

### LAI D ON THE TABLE

Rep. Major moved that **HR 12**, affirming revenue estimates for fiscal years 2003, 2004 and 2005, be laid on the table.

Adopted.

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 10, 2003 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 778-L**, relative to the city of Manchester school district.

**HB 748**, making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

**HB 261**, relative to lucky 7 licenses.

**HCR 14**, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

**HB 680-FN**, establishing a committee to study service contracts and repealing the law regarding legal services insurance.

**HB 524-FN**, relative to the annulment of certain domestic violence offenses.

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

### UNANIMOUS CONSENT

Rep. Joseph Stone addressed the House.

Without objection, the Speaker indicated that the remarks of Rep. Stone would be printed in the Permanent Journal.

### REMARKS

Rep. Joseph Stone: Thank you, Mr. Speaker. Today, our young men and women are engaged in harm's way half way around the world in Iraq. This morning, our chaplain prayed that the good Lord would stand watch over them and guide them as they proceeded toward their objective — freedom for the people of Iraq and the suppression of their dictator. Over the past twelve years that I have been in the House, each February the Honorable gentleman from New London, Representative (Alf) Jacobson, has asked us to remember the exploits of his fellow Marines as they fought the bloody battle for Iwo Jima.

Fifty-seven years ago this coming Tuesday, April 1<sup>st</sup>, on April Fool's Day, I, as an 18-year old Marine of the First Marine Division, along with the members of the Navy, the Army, the Air Force, the Coast Guard and other Marines, participated in the invasion and the battle of Okinawa on the island known as Okinawa in the Ryukyu Islands located 300 miles south of Tokyo, Japan. This island, which is 29 miles long, 5 miles wide, became what historians have called "the bloodiest battle

of the entire Pacific campaign" during World War II. For over five months, Marine and Army soldiers and personnel advanced over very rugged terrain, often hill to hill, cave to cave, hand to hand fighting, until the island was declared secured in September.

On the sea, over 300 American vessels were either sunk or damaged and 5,000 sailors gave their lives because of the attacks of the kamikaze pilots. On the land, over 24,000 Marines and soldiers were either killed, wounded or missed in action. Over 90,000 Japanese soldiers were killed, and 150,00 Okinawans lost their lives on their mainland.

This afternoon, we have with us several representatives who were there and stood in harm's way on that April 1<sup>st</sup> morning and who also participated in the Battle of Okinawa. Mr. Speaker, with your permission, I would like to have all those gentlemen or ladies who participated in the battle, please stand. Representative (Robert) Milligan was a Navy man who piloted a Higgins boat. For those of you who do not know what a Higgins boat is, that's the little, small craft that launched off from the transports and brought the Marines and the soldiers onto land during the initial invasion. Representative John Flanders was a sonar technician on a destroyer escort who was keeping sincere watch to see about submarines by his pinging machine. Representative (Leighton) Pratt was a Navy man, also on a Higgins boat, bringing soldiers and Marines in. Representative (Leo) Fraser was a member of a Marine air wing which was supporting our troops as they battled their way on the island.

As you can see, we all seem to be a little long in the teeth, but our love for our great country and flag still remains firmly entrenched in each and every one of us. We all are proud that we played a small part in the history of our great nation. We fought for liberty and the right to remain a free country. We remember all of our fallen brothers who gave their lives in the battle for Okinawa and to all those other veterans who have gone on to their eternal rests.

This next Tuesday, as I've done so for the last 56 years, I will say a prayer for all those who have gone beyond me and also to say a prayer of thanks that I was one of the survivors. Ladies and gentlemen, thank you very much. God Bless America. "Semper Paratus" to my fellow Marines. And thank you, Mr. Speaker.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendment, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:45 p.m.

### RECESS

### (Rep. Francoeur in the Chair)

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 33, 34, 45, 66, 71, 73, 79, 87, 94, 97, 122, 130, 134, 170, 178, 179, 180, 181, 197 and 227 and Senate Concurrent Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS AND SCR

#### First, second reading and referral

**SB 33-FN**, establishing a putative fathers' registry in the department of health and human services. (Children and Family Law)

**SB 34**, relative to independent living retirement communities. (Health, Human Services and Elderly Affairs)

**SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. (Municipal and County Government)

**SB 66-FN-A-L**, limiting the exemption from the meals and rooms tax for sales of alcoholic beverages by voluntary nonprofit organizations operating under one-day licenses from the liquor commission. (Ways and Means)

**SB 71-FN-A**, establishing a committee to study improving access, affordability, and alternatives in health insurance for New Hampshire consumers. (Commerce)

**SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District. (Municipal and County Government)

**SB 79-FN-L**, relative to penalties for the exhibition of fighting animals. (Criminal Justice and Public Safety)

**SB 87**, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. (Environment and Agriculture)

**SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing. (Health, Human Services and Elderly Affairs)

**SB 97**, limiting the liability of firefighters working for certain private firefighting units. (Judiciary)

**SB 122**, relative to the regulation of first mortgage brokers. (Commerce)

**SB 130-FN-L**, relative to county departments of corrections. (Municipal and County Government)

**SB 134**, relative to the regulation of real estate brokers by the real estate commission. (Executive Departments and Administration)

**SB 170**, relative to Public Service of New Hampshire. (Science, Technology and Energy)

**SB 178**, relative to guaranty funds. (Commerce)

**SB 179-FN-A**, relative to positions in the banking department. (Executive Departments and Administration)

**SB 180**, making certain changes in the banking laws. (Commerce)

**SB 181**, relative to investigations by and license revocation appeals to the board of trust company incorporation. (Commerce)

**SB 197-FN**, relative to extended unemployment benefits and making an appropriation therefor. (Finance)

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry. (Executive Departments and Administration)

**SCR 3**, urging maintenance of funding for the Low Income Home Energy Assistance Program. (Science, Technology and Energy)

## SENATE MESSAGE

### CONCURRENCE

**HB 128**, relative to the treatment of horses.

**HCR 1**, a resolution endorsing the Canine Good Citizen Programs.

### RECESS

(Rep. Stritch in the Chair)

### RESOLUTION

Rep. Bruno offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 15, 16, 18, 19, 21, 29, 46, 60, 64, 69, 72, 83, 85, 86, 90, 91, 99, 110, 115, 120, 128, 129, 133, 140, 142, 145, 149, 161, 163, 169, 174, 177, 199, 201, 226 and 229 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 15**, relative to election day registration. (Election Law)

**SB 16-FN**, establishing the governor's incentive and reward program. (Executive Departments and Administration)

**SB 18-FN**, relative to vehicle stops at railroad grade crossings. (Transportation)

**SB 19-FN**, relative to notification of groundwater contamination and requiring a certain report from the department of environmental services. (Resources, Recreation and Development)

**SB 21**, relative to health insurance riders. (Commerce)

- SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester. (Finance)
- SB 46-FN**, repealing the meat inspection account and the poultry inspection account. (Finance)
- SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment. (Executive Departments and Administration)
- SB 64-FN**, relative to updating the drought management plan. (Resources, Recreation and Development)
- SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. (Education)
- SB 72**, relative to the regulation of small loans, title loans, and payday loans. (Commerce)
- SB 83**, relative to paralegals and legal assistants. (Judiciary)
- SB 85-FN**, making certain revisions to the special education laws. (Education)
- SB 86-FN**, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. (Children and Family Law)
- SB 90-FN**, increasing the cap for relocation assistance for businesses in eminent domain proceedings. (Public Works and Highways)
- SB 91**, extending the committee to study eminent domain proceedings and adding certain duties. (Public Works and Highways)
- SB 99**, relative to high cost mortgage loans. (Commerce)
- SB 110**, relative to small group health insurance coverage. (Commerce)
- SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. (Ways and Means)
- SB 120**, relative to testimony by video teleconference in criminal cases. (Criminal Justice and Public Safety)
- SB 128-FN**, transferring the bureau of vital records and health statistics from the department of health and human services to the department of state. (Executive Departments and Administration)
- SB 129**, relative to the board of tax and land appeals and eminent domain cases. (Public Works and Highways)
- SB 133**, relative to amending the charter of Dartmouth college. (Education)
- SB 140**, establishing an optional renewal period for licenses to carry a pistol or revolver. (Education)
- SB 142-FN**, relative to advertisements on utility poles and highway signs. (Public Works and Highways)
- SB 145-FN-A**, relative to the duties of the board of trustees of the department of regional community-technical colleges. (Education)
- SB 149-FN**, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud. (Criminal Justice and Public Safety)
- SB 161**, relative to procedures in eminent domain proceedings. (Public Works and Highways)
- SB 163-FN**, relative to the procedures of the health services planning and review board. (Health, Human Services and Elderly Affairs)
- SB 169**, relative to frivolous actions against the state concerning state construction projects. (Public Works and Highways)
- SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation. (Labor, Industrial and Rehabilitative Services)
- SB 177**, relative to credit unions. (Commerce)
- SB 199**, revising the nurse practice act. (Executive Departments and Administration)
- SB 201**, establishing a committee to study insurance practices relative to homeowner's insurance. (Commerce)
- SB 226-L**, increasing the homestead exemption. (Judiciary)
- SB 229**, making reference changes to the school building aid statutes. (Education)

## SENATE MESSAGE

### CONCURRENCES

- HB 69**, relative to the reinstatement of expired licenses for architects.
- HB 76**, relative to neighborhood electric vehicles.

**HB 91**, relative to the telecommunications planning and development initiative and advisory committee.

**HB 99**, relative to absentee ballot requests.

**HB 233**, relative to the nuclear planning and response program.

**HB 246**, relative to availability of absentee voting applicant lists.

**HB 260**, relative to checklists used on election day.

**HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state.

**HB 271**, relative to walking disability plates and placards.

**HCR 8**, a resolution urging the United States Congress to improve the prescription drug program provided to veterans.

### ENROLLED BILL AMENDMENT

**HB 128**, relative to the treatment of horses.

#### Amendment (1169-EBA)

Amend RSA 435:12 as inserted by section 1 of the bill by replacing line 4 with the following: mutilate or abandon any horse, or aid in such abuse, or permit any horse in his *or her* care to be subject to

Adopted.

### RECESS

#### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 14

Thursday, April 10, 2003

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Eternal God, strong to save, look with compassion upon the world You have made. Empower all humankind to overcome the bitter divisions caused by self-interest, misunderstanding or greed. By Your grace may the light of true freedom lift each human heart; that a renewed world, with liberty and justice for all, may rise from the sadness of war and from the supreme sacrifice of those who have given their lives in the defense of liberty's cause. We especially lift up to You the members of our armed forces, and our allies, now serving in Iraq and ask for their protection and for their swift return home. Receive and embrace those who have lost their lives, comfort those who are wounded, defend those who are held as prisoners.

Bless the work of this honorable House today, and may all that is done here be worthy of the sacrifice of those who defend the United States and all citizens of our beloved New Hampshire. As always we ask for Your protective hand to be upon those who serve in law enforcement, emergency medical services and in the fire service as they protect and defend our homes, our lives and our communities. Amen.

Rep. Norman Major led the Pledge of Allegiance.

The National Anthem was sung by Candace Glickman, a student at University of New Hampshire-Manchester.

### LEAVES OF ABSENCE

Reps. Flanagan, Heon, Kerns, Miller, Naro, Owen, Palangas, Seldin and Jeffrey Sullivan, the day, illness.

Reps. Janet Allen, Barker, Bicknell, Bishop, Christopher Christensen, Donald Flanders, Infantine, Ingram, Osborne, Reardon and Scanlon, the day, important business.

### INTRODUCTION OF GUESTS

Derek Colbath and Graham Dowie, students at Gilford Middle-High School, Pages for the day. Seminary Hill School 4<sup>th</sup> grade class, guests of the Lebanon delegation. James Peabody and David Oliver, father-in-law and guest of Rep. Dorsett. Mac and Sue Hendrickson, guests of Rep. McRae. George Campbell, grandfather of Rep. Campbell. The Honorable Cecilia Kane, guest of Rep. Shultis.

### INTRODUCTION OF SPECIAL GUESTS

Oyster River High School Girls' Basketball Team, 2003 Class I State Champions and Coach Dave Nichols, guests of the Durham delegation. The Red Raiders of Spaulding High School Ice Hockey Team, 2003 Division II State Champions and Coach Paul George, guests of the Rochester delegation. In honor of National Library Week, Michael York, New Hampshire State Librarian, Robert Sargent and Andrea Thorpe, President and Vice President of the New Hampshire Library Association joined the Speaker on the rostrum. They presented the Speaker with a copy of *G is for Granite*, by Marie Harris, New Hampshire Poet Laureate.

Major-General Halimov Mahmadullo, Chief of Staff, Deputy Minister of the Ministry of Emergency Situations and Civil Defense and Termurov Abdumuslim, First Deputy Minister of Health-Care from Tadjikistan joined the Speaker on the rostrum. In the gallery were additional members of the Tadjikistan delegation participating in the Democracy Engaged Program sponsored by the University of New Hampshire and United States Department of Defense. All were guests of the House.

### TARTAN DAY RECOGNITION PROGRAM

To begin the Tartan Day Program, Rep. John Hunt recognized special guests, David Gooch, President of the New Hampshire Gathering of the Scottish Clans, and Ellen Avery, widow of The Honorable Stephen Brody Avery, his daughter, Wickie and his grandson, Woody.

## REMARKS

Without objection, the Speaker indicated that Rep. Hunt's remarks be printed in the Permanent Journal. Rep. Hunt: Thank you, Mr. Speaker. Today, my fellow representatives, as we have done for the past six years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The date of April 6<sup>th</sup>, declared by Congress as National Tartan Day, as has been mentioned before, marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 declaring Scottish Independence, and a document many credit as being a model for our own United States Declaration of Independence. It is also the third anniversary of the new Scottish Parliament, which was dormant for over 250 years. We were honored with the visit of the Prime Minister last week. I want to thank the Speaker for his gift of New Hampshire's finest liquid maple syrup, of course, for which the Prime Minister was very appreciative and very concerned that it made it to his car for the ride back to Boston.

Mr. Speaker, the most important phrase of the 1320 Scottish Declaration of Arbroath is especially important today. "It is in truth, not for glory nor riches that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself."

We take special note of the men and women of the American and allied armed forces who are fighting in Iraq, and especially those who have made the ultimate sacrifice with their lives fighting for these same principles of freedom from terrorism and freedom for all people. They have our prayers and best wishes and our fervent hope that someday all peoples on this earth shall be free.

Mr. Speaker, on behalf of the St. Andrew's Society of New Hampshire and the over 50,000 people of New Hampshire who claim some Scottish ancestry, it is my pleasure to introduce Pipe Major Gordon Webster, formerly Pipe major of the Scots Guards and piper to Her Majesty, Queen Elizabeth, as well as dancers from the New Hampshire School of Scottish Arts.

*[Pipe Major Webster accompanied the students as they danced the Highland Fling.]*

Mr. Speaker, it gives me great pleasure to introduce two young men who are piping students at the New Hampshire School of Scottish Arts and over the past year have competed in Highland Games from Georgia to Maine and have finished as the top two rankings for grade four pipers in the Eastern United States Pipe Band Association. They are John Bassett and Brian Morgan.

*[The two young pipers, after playing for the members, joined the Speaker on the rostrum. The Speaker presented each with a declaration from the House.]*

Thank you, Mr. Speaker. One of the primary goals of the St. Andrew's Society is to keep the Scottish traditions alive through our young people.

I would also like to thank all of the members who remembered to wear the tartan today. Would all of the members and visitors who wore tartan today please rise and be acknowledged.

Now I would like to ask all the members to please rise and let us have a final moment of silence for our four former members of the House who have passed away since we last recognized our fallen brothers and sisters one year ago.

Rep. Martin Feurstein of Franklin; Rep. Raymond Proulx of Dover; Rep. Lynn Horton of Lancaster and Rep. Stephen Avery of Dublin.

I would like to make a special recognition of my friend, Steve Avery, whose untimely death three days before election day last November will always rest heavy in my heart. If it were not for Steve's love for anything and everything Scottish, I would not be standing here today. This event is something that he took very special pride in creating and making happen. We will miss him but we will always have this day to remember him by.

*[Pipe Major Webster played "Flowers of the Forest" and "Amazing Grace" in memory of those four members.]*

The Speaker called the House to order.

## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (Amendment printed SJ 4/03/03)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 104-FN**, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Amendment printed SJ 3/27/03)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (Amendment printed SJ 4/03/03)

Rep. Thomas moved that the House concur spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001, removed by Rep. Alger.

**SB 14**, relative to vacancies in county offices, removed by Rep. Pitts.

Consent Calendar adopted.

**HB 109-FN**, relative to telemarketing practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill prohibits telemarketers from calling customers who have listed their names on the "Do Not Call" list of the Federal Trade Commission. The amendment removed the allocation of fines to defray costs associated with the implementation and enforcement of this subdivision. Vote 23-0.

### Amendment (1054h)

Amend RSA 359-E:9 as inserted by section 3 of the bill by replacing it with the following:

359-E:9 Obligation to Obtain Do-Not-Call Registry. Telemarketers making telemarketing sales calls to customers in the state shall obtain the do-not-call registry from the Federal Trade Commission.

Amend RSA 359-E:13, II as inserted by section 3 of the bill by replacing it with the following:

II. A violation of RSA 359-E:8 or RSA 359-E:12 shall result in the loss of ability to conduct telemarketing in this state for a period of 2 years and shall result in a fine of \$11,000 per violation.

**HB 353-FN-A**, making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. **IN-EXPEDIENT TO LEGISLATE**

Rep. MaryAnn N. Blanchard for Finance: The Department of Environmental Services, due to budgetary constraints this biennium, has reorganized its funding for its water programs. This will allow support for the Instream Flow pilot project in the regular budget process this year without additional general fund money. Hence, this bill is unnecessary. Vote 18-2.

**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan. **OUGHT TO PASS**

Rep. Marjorie Smith for Finance: The State of New Hampshire and the Town of Hampton have been working together to develop a master plan for Hampton Beach. The plan was completed last year. This bill establishes a commission that will work on the implementation of the plan and a master plan fund that will be a depository for gifts, grants and donations that will be used to implement the master plan. There is no fiscal impact on state revenues or expenditures, although both the state and the town will benefit from the implementation. The Town of Hampton has just approved \$12 million for infrastructure improvements, demonstrating the town's commitment to this effort. Vote 23-0.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill implements the Help America Vote Act of 2002 through the Secretary of State's Office. The committee felt that conforming to federal law and establishing a statewide centralized voter registration database in accordance with the Secretary of State's office was a sound fiscal approach to compliance. Vote 23-0.

#### **Amendment (0970h)**

Amend RSA 5:6-d as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The secretary of state shall include appropriations from the election fund in the department budget submitted pursuant to RSA 9:4.

Amend RSA 654:45, IV(b) as inserted by section 4 of the bill by replacing it with the following:

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

Amend the bill by replacing section 11 with the following:

##### **11 Initial Funding; Appropriation.**

I. The secretary of state shall develop a budget for the biennium ending June 30, 2005 for the purposes of funding costs associated with the Help America Vote Act of 2002, Public Law 107-252, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The secretary of state is hereby authorized to accept money allocated to the state by the federal government pursuant to the Help America Vote Act of 2002, Public Law 107-252. Said sum shall be deposited into the election fund established in RSA 5:6-d for funding costs associated with the Help America Vote Act, including costs associated with positions and other program expenses.

III. Notwithstanding any other provision of law, the secretary of state is authorized to establish positions necessary to implement the Help America Vote Act of 2002, Public Law 107-252.

#### **HB 590-FN, relative to highway fund budget reporting requirements. OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: The committee agrees with the Public Works and Highways Committee that this bill allocates unrestricted revenue from the highway fund and requires any department that receives such funds to submit a biennial report of expenditures to the State Treasurer. The amendment sets parameters for this allocation. The committee felt that establishing such parameters would result in a greater percentage of highway funds going to actual road work, and not being eroded by use of other agencies. The bill retains the Highway Block Grant Aid Program intact. Vote 23-0.

#### **HB 619-FN-A, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: The amendment removes the appropriation from this bill but the Finance Committee understands the bill is important policy even without dollars attached. The committee is trying to find money for dropout prevention to put in the budget. Vote 22-0.

#### **Amendment (1025h)**

Amend the title of the bill by replacing it with the following:

AN ACT expanding opportunities for dropout prevention and dropout recovery.

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

#### **AMENDED ANALYSIS**

This bill establishes a dropout prevention and dropout recovery program in the department of education to provide a variety of services to high school students.

**HB 677-FN**, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill is an important expansion of our preferred access seats in medical schools. There are enough dollars currently in the budget to fund this program in the current biennium. Vote 22-1.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee accepted the policy of extending to July 1, 2004 coverage of medical benefits costs for disabled group II members. This results in a one-year extension of terminally funded benefits which are paid from the special account. This bill also received an 18-0 vote in Executive Departments and Administration Committee. Vote 20-0.

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill requires the Department of Health and Human Services to analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover the appropriate services. With today's technology, infant deafness can be identified with more accuracy and this bill encourages utilization by also examining the reimbursement rates. The amendment made minor language changes, agreed to by the prime sponsor. Vote 14-0.

#### **Amendment (0794h)**

Amend the bill by replacing section 2 with the following:

2 Infant Deafness Program; Payment Schedule; Approval Process; Report. The department of health and human services shall analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover any appropriate services. The department shall also review the prior approval process to improve the timeliness in regards to requests. The commissioner of health and human services shall make a report to the chairs of the house health, human services and elderly affairs committee and the public institutions, health and human services committee with any recommendations on or before November 1, 2003.

#### **AMENDED ANALYSIS**

This bill requires the department of health and human services to analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover appropriate services. The bill requires the commissioner of health and human services to make a report to the chairs of the house health, human services and elderly affairs committee and the senate public institutions, health and human services committee on or before November 1, 2003.

#### **REGULAR CALENDAR**

**HB 25-FN-A**, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This is the capital budget plan for the next biennium. It funds the long-term projects with money for planning, new construction, and long life maintenance such as roofs. The majority of the money is bonded. The debt service is provided by the general fund, highway fund, fish and game fund, or other sources that have a reliable cash flow. The committee made some minor changes to the bill as it came from the Public Works and Highways Committee. The total general fund bonding remains the same at \$82 million. Department of Administrative Services found another source of funds to help with the enterprise resource planning project, and the Department of Transportation agreed to bond \$5 million with highway funds. The instream flow pilot program was funded by rearranging other Department of Environmental Service projects. Lapses from earlier authorized Youth Development Center projects allowed \$1.6 million to be added to that large project, and the additions to the USNH KEEP program were rewritten so as to have the same quarterly scrutiny as the base project. Finally, amendments to the state hospital projects allow replacement of a residence cottage rather than a more expensive rebuilding. Vote 21-2.

**Amendment (1084h)**

Amend the bill by replacing all after the enacting clause with the following:

I Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.	
A. Armory Renovations	\$ 300,000
B. STARC Armory - Concord	9,033,100
Less Federal	<u>-6,774,825</u>
Net state appropriation subparagraph B	2,258,275
C. Armory Kitchen Expansions	975,000
Less Federal	<u>-731,250</u>
Net state appropriation subparagraph C	243,750
D. Joint Service Training Facility Design	3,388,700
Less Federal	<u>- 3,388,700</u>
Net state appropriation subparagraph D	<u>0</u>
Total state appropriation paragraph I	\$ 2,802,025
II. Department of Administrative Services.	
A. Bureau of Court Facilities.	
1. Architectural and Engineering - Hampton District Court.	\$ 165,000
2. Architectural and Engineering - Laconia District Court	<u>250,000</u>
Total state appropriation subparagraph A	415,000
B. Bureau of General Services.	
1. 4 and 6 Hazen Drive - Upgrade Security	106,000
2. Renovate State Laboratory - Final Phase	5,447,000
3. State Library - Install Fire Suppression System	208,000
4. 4 and 6 Hazen Drive - Install Fire Suppression System	806,000
5. Storrs Street Warehouse - Replace Leaky Roof	92,000
6. Londergan Hall - Replace Elevator	283,000
7. Londergan Hall - Replace Defective Flooring	101,000
8. State House Annex - Replace Defective Flooring	531,000
9. State House and State House Annex - Install Emergency Generator	381,000
10. State House Annex - Replace Freight Elevator	286,000
11. 18 State Owned Buildings - Asbestos and Hazardous Material	152,000
12. Monadnock Mill - Repair Building Foundation	140,000
13. State House - Rehabilitate Representatives Hall	486,000
14. Department of Safety Building - Energy Save and Lights Replace	217,000
15. Site and Design Parking Garage - Executive/Legislative	200,000
16. New Hampshire Hospital Campus - Redevelopment Plan	<u>100,000</u>
Total state appropriation subparagraph B	9,536,000
C. Division of Information Technology Management.	
1. Campus Wiring	1,525,000
2. Enterprise Resource Planning	<u>15,000,000</u>
Total state appropriation subparagraph C	<u>16,525,000</u>
Total state appropriation paragraph II	\$26,476,000
III. Community-Technical College System.	
A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design and Build - Claremont	1,993,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. Police Standards and Training - Storage Building Expansion	95,000
F. MacRury Hall Addition - Dental Facility	1,500,000
G. Critical Repairs	1,637,000
H. Christa McAuliffe Planetarium - Alan B. Shepard Memorial Wing	6,200,000
Less Federal	<u>-4,900,000</u>
Net state appropriation subparagraph H	<u>1,300,000</u>
Total state appropriation paragraph III	\$ 9,475,000

## IV. Department of Education.

A. Regional Career and Technical Education Center Match - Portsmouth	\$ 4,500,000
B. Regional Career and Technical Education Center Match - Berlin	<u>1,875,000</u>
Total state appropriation paragraph IV	\$ 6,375,000

## V. Department Of Environmental Services.

A. Laboratory Equipment	\$ 104,000
B. Hazardous Waste Superfund Match	1,805,000
C. Drinking Water SRF Matching Funds	4,668,320
D. Wastewater SRF Matching Funds	7,744,208
E. Bedrock Aquifer Well Project	196,000
F. Instream Flow Pilot Program Study Reports	<u>600,000</u>
Total state appropriation paragraph V	\$15,117,528

## VI. Department of Health and Human Services.

A. Update Sprinkler System - Glencliff	<u>\$ 88,000</u>
Total state appropriation paragraph VI	\$ 88,000

## VII. Liquor Commission.

A. Administration Building Life Safety / Warehouse Renovation	\$ 168,000
B. Parking Lot - Store #15 Keene	<u>300,000</u>
Total state appropriation paragraph VII	\$ 468,000

## VIII. Department Of Resources and Economic Development.

A. Replace Upgrade Septic Systems - Franconia	\$ 250,000
B. Mount Washington Electrification	2,000,000
Less Park Fund	<u>- 2,000,000</u>
Net state appropriation subparagraph B	0
C. Monadnock Campground Renovation	980,000
D. Statewide Radio System	<u>575,200</u>
Total state appropriation paragraph VIII	\$ 1,805,200

## IX. Department of Safety.

A. Lab Expansion	<u>\$ 358,000</u>
Total state appropriation paragraph IX	\$ 358,000

## X. Department Of Transportation.

A. 5 - 10 Percent Match for FAA Projects	\$ 3,515,000
B. Public Transit Bus Replacement Match	<u>200,000</u>
Total state appropriation paragraph X	\$ 3,715,000

## XI. Veterans Home.

A. Upgrade Existing Sprinkler System at 2 Units	\$ 515,000
Less Federal	<u>- 334,750</u>
Net state appropriation subparagraph A	180,250
B. Erect Prefabricated Refrigerator/Freezer with Shelving	107,000
C. Recreation Area	855,000
Less Federal	<u>-500,000</u>
Net state appropriation subparagraph C	355,000
D. New Maintenance Building	736,000
Less Federal	<u>- 478,400</u>
Net state appropriation subparagraph D	<u>257,600</u>

Total state appropriation paragraph XI \$ 899,850

Total state appropriation section 1 \$67,579,603

2 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Hatchery System Modernization	\$ 2,000,000
B. Dam Reconstruction and Repair	<u>100,000</u>
Total state appropriation section 2	\$ 2,100,000

3 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

## I. Department Of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive	\$ 370,000
B. Addition to DMV Building on Hazen Drive	3,260,000
C. Finish Troop D First Floor	589,000
Less Other	<u>- 111,910</u>
Net state appropriation subparagraph C	<u>477,090</u>
Total state appropriation paragraph I	\$ 4,107,090

The sum appropriated in subparagraph B for the DMV Building addition shall not be spent, obligated, or encumbered until the department has received approval of the plan from the capital budget overview committee.

## II. Department Of Transportation.

1. Patrol and Salt Sheds - Statewide	\$ 4,132,000
2. Garage and Material Lab Equipment	500,000
3. Antrim Rest Area Replacement - Design and Right-of-Way	100,000
4. Enterprise Resource Planning	<u>5,000,000</u>
Total state appropriation paragraph II	<u>\$ 9,732,000</u>
Total state appropriation section 3	\$13,839,090

4 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 2, 3, and 11 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

5 Land Acquisition. Any land acquired under the appropriations made in sections 1, 2 and 3 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$83,518,693 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

## 7 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 2 of this act shall be made from the fish and game fund.

(b) Section 3 of this act shall be made from the highway fund.

8 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 2, 3, and 11 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and for projects under sections 1, 2, and 3 the amount of bonding authorized by section 6 shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 11 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project is completed and accepted, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3, and 11 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by



which federal, local, or other funds are reduced. The amount of bonding authorized by section 6 shall be reduced by the amount that the appropriation in sections 1, 2, and 3 of state funds is reduced pursuant to this section.

11 Capital Appropriation; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. The sum of \$30,264,597 is hereby appropriated to the department of health and human services for the purpose of the construction of a new architecturally secure facility for committed and detained juveniles on the grounds of the youth development center.

II. The source of funds for the project shall be as follows:

(a) \$10,925,000 in federal funds from the Violent Offender Incarceration/ Truth-in-Sentencing (VOI/TIS) grant program; and

(b) \$19,339,597 from the proceeds from bonds issued pursuant to section 12.

III. The remainder of the funding for this project is provided by the \$2,475,000 balance of the \$13,400,000 federal funds from the VOI/TIS grant program, which amount was previously accepted by the department and is budgeted in PAU 05, 01, 14, 06, 01 of the 2004 – 2005 operating budget, and \$260,000 from an original \$1,000,000 capital appropriation authorized for use by the department as state match for the VOI/TIS grant by the long range capital planning and utilization committee, as provided in 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15; and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII.

IV. The department shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the project to the capital budget overview committee as soon as possible on or after the effective date of this act.

V. The appropriations in this section shall not lapse until July 1, 2007.

12 Bonds Issued; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. To provide funds for the appropriation made in section 11, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$19,339,597 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$9,339,597 in the biennium ending June 30, 2005.

(b) \$19,339,597 in the biennium ending June 30, 2007.

II. Payments of principal and interest on the bonds and notes authorized in paragraph I shall be made from the general fund of the state.

13 Purpose Amended; Appropriation Reduced; YDC New Facility Design. Amend 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15, and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, to read as follows:

D. Construction and Renovations – YDC, *New Facility Design* [~~\$1,000,000~~] **\$260,000**

14 Capital Budget; 1997 Total Adjusted. Amend 1997, 349:8 as amended by 1999, 226:25 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$68,178,937~~] **\$67,438,937** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Capital Budget; 1997 Section 1 Total Adjusted. Amend 1997, 349:1, total state appropriation section 1, as amended by 1999, 226:28, to read as follows:

Total state appropriation section 1 [~~\$52,318,937~~] **\$51,578,937**

16 Capital Appropriation Reduced; Totals Adjusted. Amend 1999, 226:1, XV, D, as extended by 2001, 202:28, LXI, and the total state appropriation paragraph XV and the total state appropriation section 1, to read as follows:

D. Phase I – preparation for agency networking \*~~[225,000]~~ **217,128**

Total state appropriation paragraph XV [~~\$707,000~~] **\$699,128**

Total state appropriation section 1 [~~\$41,311,314~~] **\$41,303,442**

17 Purposes Amended; Appropriations Reduced. Amend 2001, 202:1, XV, A and B to read as follows:

A. King Cottage Renovations - Const. YDS [~~\$415,000~~] **\$23,275**

B. ADA Compliance and Sprinkler/Fire Detection - Const. [~~\$500,000~~] **0**

18 Total Adjusted. Amend 1999, 226:8 and amended by 2000,132:4 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$60,017,442** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Total State Appropriation Adjusted.. Amend the total state appropriation section 1 of 2001, 202:1, as amended by 2002, 26:11 and 2002, 244:3, to read as follows:

Total state appropriation section 1

[~~\$55,021,200~~] **\$54,129,475**

20 Total Adjusted; Bonds Authorized. Amend 2001, 202:8, I, as amended by 2002, 26:12 and 2002, 244:4, to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$73,101,700~~] **\$72,209,975** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

21 Walker Building; Payment of Bonds and Notes. Amend 2000, 283:2, II to read as follows:

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. [~~Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general fund agencies occupying the Walker building. The bonds shall be 20-year bonds.~~] *The payment of principal and interest on the bonds and notes under this paragraph shall be a direct charge against the rents paid by state agencies occupying the Walker building to the extent available. To the extent that rents are insufficient for the payment of principal and interest, the remaining payment shall be a charge against general funds of the state.*

22 Appropriation for Walker Building Operation. The sum of \$165,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2004 for the purpose of the operation of the Walker building facilities while state agencies are relocating to the Walker building from leased space. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Capital Appropriation Increased. Amend 2001, 202:16 to read as follows:

202:16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of [~~\$1,500,000~~] **\$2,300,000** is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$1,500,000~~] **\$2,300,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

24 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Student Residence Hall; Berlin.

I. The sum of \$1,600,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of a student residence hall on the Berlin campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the student residence fees.

25 Purpose Amended; Adjutant General. Amend 2001, 202:1, I, B to read as follows:

B. Reroofing Plymouth and Franklin Armories, *and*  
*Armory Renovations Statewide*

410,000

26 Purpose Amended; State Rail Lines; Department of Transportation. Amend 2001, 202:1, XIII, B as amended by 2002, 26:9 to read as follows:

**B. Repair State Rail Lines *and Design Lowell to Nashua******Commuter Rail***[~~600,000~~] **1,500,000****Less Federal**[~~=300,000~~] **-1,200,000****Net state appropriation subparagraph B****300,000**

27 Purpose Amended; 1991 Appropriation; Port Authority. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1, 2000, 15:1 and 2000, 292:10 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, renovation of any commercial fish piers that may be transferred to the port authority, and the rip-rap project on River Street in Seabrook. The sums hereinafter detailed are hereby appropriated for the project specified:

**A. Port of Portsmouth Expansion****\$18,300,000****Total state appropriation section 5****\$18,300,000**

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation, and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000. *In addition, for the biennium beginning July 1, 2003, the sum of \$1,000,000 shall be expended for the dredging of Hampton – Seabrook harbor, provided that the Army Corps of Engineers takes responsibility for completion and funding of future harbor dredging projects.*)

28 University System of New Hampshire; 2001 Capital Budget; KEEP NH; Projects Added; Appropriation Increased. Amend 2001, 202:2 to read as follows:

**202:2 Appropriation; University System of New Hampshire Projects.**

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. A sum of [~~\$100,000,000~~] **\$106,800,000** is hereby committed to the university system of New Hampshire for KEEP NH, with the first \$37,000,000 appropriated effective July 1, 2001 and the remaining [~~\$63,000,000~~] **\$69,800,000** appropriated upon approval by the capital budget overview committee. The appropriations are for the following capital projects:

- (a) Murkland Hall renovations (UNH);
- (b) Mason Library renovations (KSC);
- (c) Boyd Hall renovation and expansion (PSC);
- (d) Kingsbury Hall renovation and expansion (UNH);
- (e) Science Building renovation and expansion (KSC);
- (f) Infrastructure work on all campuses (USNH); ~~and~~
- (g) NHPTV equipment (UNH);
- (h) DeMerrit Hall renovation (UNH);**
- (i) James Hall renovation (UNH);**
- (j) Nesmith Hall renovation (UNH); and**
- (k) Parsons Hall renovation (UNH).**

II. The university system board of trustees shall determine the timing of the projects and the specific dollar allocation to each from the sum available under paragraph I while ensuring the respective campus priorities are addressed. The board of trustees shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the projects in paragraph I to the capital budget overview committee for its review and approval as soon as possible. The board of trustees has stated that if the capital budget overview committee approval is received within 45 days of submittal then all 5 major facility

projects listed in paragraph I(a)-(e) will be completed within the above appropriation. The capital budget overview committee approval is also required for the project in paragraph I(f). The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

(a) \$38,000,000 in the biennium ending June 30, 2003.

(b) [~~\$69,000,000~~] **\$75,800,000** through the biennium ending June 30, 2005.

(c) [~~\$100,000,000~~] **\$106,800,000** through the biennium ending June 30, 2007.

29 University System of New Hampshire; 2001 Capital Budget; Expenditures. Amend 2001:202:8, II to read as follows:

II. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$100,000,000~~] **\$106,800,000** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$38,000,000 in the biennium ending June 30, 2003.

(b) [~~\$69,000,000~~] **\$75,800,000** through the biennium ending June 30, 2005.

(c) [~~\$100,000,000~~] **\$106,800,000** through the biennium ending June 30, 2007.

30 Appropriation Purpose Amended. Amend 2001:202:1, IX, A to read as follows:

A. Patient Res. ADA & Fire Sys/Transitional Housing

– State Office Park South **and Burbank Replacement**

\$433,750

31 Lapse Dates Extended to June 30, 2005. The following appropriations are hereby extended to June 30, 2005:

I. The appropriation made to the adjutant general in 1999, 226:1, I, C, as extended by 2001, 202:28, XLVII, for renovation of state armories.

II. The appropriation made to the adjutant general in 2001, 202:1, I, A, as amended by 2002, 239:5, for armory renovations - statewide.

III. The appropriation made to the adjutant general in 2001, 202:1, I, B, as amended by section 21 of this act, for reroofing Plymouth and Franklin armories and armory renovations - statewide.

IV. The appropriation made to the adjutant general in 2001, 202:1, I, C, for army aviation support facility construction - Concord.

V. The appropriation made to the department of administrative services in 2000, 283:2, as extended by 2001, 202:28, X, for renovation to the Walker building.

VI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII and 2001, 202:28, XII for emergency repairs, contingency fund.

VII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII and 2001, 202:28, XIII for the life safety, renovations - health and human services building.

VIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 1, for state laboratory - complete HVAC repairs.

IX. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 2, for E-911 install ventilation unit.

X. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 6, for state house annex - upgrade elevators.

XI. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 7, for 6 Hazen drive - replace state laboratory roof.

XII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 8, for state house - upgrade elevators.

XIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 9, for state house - repoint exterior granite and caulk windows.

XIV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 11, for state house annex - mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage - parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

XVII. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 2, for roof – Nashua district court.

XVIII. The appropriation made to the department of administrative services, in 2001, 130:14, I, for information technology projects.

XIX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 2, as extended by 2001, 202:28, VIII, for state lab electrical wiring/panel replacement.

XX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, for executive/legislative budget system.

XXI. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, for maintenance/critical repairs.

XXII. The appropriation made to the community-technical college system in 2001, 202:1, IV, A, for system maintenance – statewide.

XXIII. The appropriation made to the community technical college system in 2001, 202:1, IV, C, for new academic building design – Laconia.

XXIV. The appropriation made to the community-technical college system in 2001, 202:1, IV, D, mezzanine instruction renovation – Manchester.

XXV. The appropriation made to the community-technical college system in 2001, 202:1, IV, E, for computer system upgrades.

XXVI. The appropriation made to the community-technical college system in 2001, 202:1, IV, F, for mobile equipment center design/child care – Berlin.

XXVII. The appropriation made to the community-technical college system in 2001, 202:1, IV G, for student residence – Berlin design.

XXVIII. The appropriation made to the community-technical college system in 2001, 202:16, I, as amended by section 23 of this act, for addition to student center – Concord.

XXIX. The appropriation made to the community-technical college system in 2001, 202:1, IV, H, Christa McAuliffe Planetarium-Alan B. Shepard memorial wing.

XXX. The appropriation made to the community-technical college system in 2001, 130:14, VI, for information technology project.

XXXI. The appropriation made to the community-technical college system in 2001, 158:73, for Claremont computer system upgrades.

XXXII. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II (g), 1992, 149:2, I, 1993, 359:20, I, 1995, 309:33, I, and 2001, 202:28, LI, for upgrading state-owned flood retardation structures at small watershed program sites.

XXXIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI and 2001, 202:28, LII, for the superfund program.

XXXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, A, as extended by 1999, 226:32, XXIX, and 2001, 202:28, LIV, for the wastewater state revolving fund match.

XXXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B, as extended by 1999, 226:32, XXX, and 2001, 202:28, LV, for the drinking water state revolving fund match.

XXXVI. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, as extended by 2001, 202:28, LVII, for the drinking water state revolving match.

XXXVII. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, as extended by 2001, 202:28, LVIII, for the wastewater state revolving fund match.

XXXVIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, as extended by 2001, 202:28, LIX, for the hazardous waste superfund match.

XXXIX. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, as extended by 2001, 202:28, L, for the storage building for emergency response equipment.

XL. The appropriation made to the department of environmental services in 2001, 202:1, VIII, A, for the drinking water state revolving fund matching funds.

XLI. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, for the wastewater state revolving fund matching funds.

XLII. The appropriation made to the department of environmental services in 2001, 130:14, III for information technology projects.

XLIII. The appropriation made to the fish and game department in 2001, 202:3, A, for state-wide fish hatchery capital improvement study.

XLIV. The appropriation made to the fish and game department in 1999, 226:3, A, as extended by 2001, 202:28, LXIII, for broodfish facility – Milford.

XLV. The appropriation made to the fish and game department in 1999, 226:3, B, as extended by 2001, 202:28, LXIV, for repair and replace fish rearing containers.

XLVI. The appropriation made to the fish and game department in 1999, 226:3, C, as extended by 2001, 202:28, LXV for water line repair/replacement.

XLVII. The appropriation made to the fish and game department in 1999, 226:3, E, as extended by 2001, 202:28, LXVI, and as amended by 2002, 133:2, for Barry conservation camp building replacement.

XLVIII. The appropriation made to the fish and game department in 1995, 309:3, A and B, as extended by 1997, 349:34, XXXV, 1999, 226:32, XLIV, and 2001, 202:28, LXVIII, for roof repairs and concrete repair/replacement – hatcheries.

XLIX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII, 1999, 226:32 XI, and 2001, 202:28, XL, for RSA 171-B, for mentally retarded criminal offenders.

L. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A, as extended by 2001, 202:28, XLII, for laboratory safety improvements.

LI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, as extended by 2001, 202:28, XLIII, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

LII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, for information technology.

LIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, A, as amended by section 30 of this act, for patient residence, ADA and fire system/ transitional housing and Burbank replacement.

LIV. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, for asbestos abatement – state office park south.

LV. The appropriation made to the department of health and human services in 2001, 202:1, IX, E, as amended by 2002, 244:2, for Laconia MR offenders new building.

LVI. The appropriation made to the department of health and human services in 2001, 202:1, IX, F, patient care network.

LVII. The appropriation made to the department of health and human services in 2001, 202:1, IX, G, for laboratory information tracking system.

LVIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, for bridges enhancement.

LIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, I, for DFA new heights enhancements.

LX. The appropriation made to the department of health and human services in 2001, 202:1, IX, J, for public health laboratories replacement equipment.

LXI. The appropriation made to the department of health and human services in 2001, 130:14, IV, for information technology projects.

LXII. The appropriation made to the department of youth development services in 1997, 349:1, XVI, D, as amended by 1997, 351:68, 1998, 372:2, 3, 1999, 226:15, and section 13 of this act, as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, for construction and renovations – YDC new facility design.

LXIII. The appropriation made to the department of youth development services in 1999, 226:1, XV, D, as amended by section 16 of this act, and as extended by 2001, 202:28, LXI, for phase I preparation for agency networking.

LXIV. The appropriation made to the youth development services in 2001, 202:1, XV, A, as amended by section 17 of this act, for King cottage renovations – construction – YDS.

LXV. The appropriation made to the youth development services in 2001, 202:1, XV, B, as amended by section 17 of this act, for ADA compliance and sprinkler/fire detection – construction.

LXVI. The appropriation made to the judicial branch in 2001, 130:14, VII, for information technology projects.

LXVII. The appropriation made to the supreme court in 2001, 202:1, XII, A, for computer system upgrade.

LXVIII. The appropriation made to the liquor commission in 2001, 202:1, X, A, for renovation store #38 and parking lot – Portsmouth.

LXIX. The appropriation made to the liquor commission in 2001, 202:1, X, B, for renovation store #34 – Salem and new HVAC.

LXX. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, as extended by 2001, 202:28, V, for ADA compliance for parks facilities, new toilet facilities–Hampton, septic gray water system–Mount Washington, and install power–Crawford Notch.

LXXI. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, B, for exterior repairs, roofing – statewide.

LXXII. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, C, for road repairs/parking lot maintenance - statewide.

LXXIII. The appropriation made to department of safety in 1999, 226:4, II, B, as extended by 2001, 202:28, XXVII, for paving and roofing at troop/stations.

LXXIV. The appropriation made to the department of safety in 2001, 202:4, I, B, for radio system – county tie-in.

LXXV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X, 1999, 226:32, IV, and 2001, 202:28, XXIX, for land acquisition for navigation beacons.

LXXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, for acquisition for railroad and airport properties.

LXXVII. The appropriation made to the department of transportation in 1999, 226:4, I, F, as extended by 2001, 202:28, XXXVI, for Conway rest area.

LXXVIII. The appropriation made to the department of transportation in 2001, 202:1, XIII, B, as amended by 2002, 26:9 and section 26 of this act, for repair state rail lines and design Lowell to Nashua commuter rail.

LXXVIX. The appropriation made to the department of transportation in 2001, 202:1, XIII, C, ADA compliance projects – state parks, Hayes building restrooms, New Hampshire hospital.

LXXX. The appropriation made to the department of transportation in 2001, 202:1, XIII, D, for public transit bus replacement.

LXXXI. The appropriation made to the department of transportation in 2001, 202:4, II, C, for replacement of shop cranes – mechanical services - statewide.

LXXXII. The appropriation made to the department of transportation in 2001, 202:4, II, D, as amended by 2002, 106:1, for new garage and testing lab facility.

LXXXIII. The appropriation made to the New Hampshire veterans home in 2001, 202:1, XIV, B, for parker tubs.

LXXXIV. The appropriation made to the department of education in 2001, 202:1, VII, A for education statistics system.

LXXXV. The appropriation made to the department of education in 2001, 202:1, VII, B for grants management.

LXXXVI. The appropriation made to the department of education in 2001, 202:1, VII, C for vocational rehabilitation case management system.

LXXXVII. The appropriation made to the department of education in 2001, 202:1, VII, D for career development system.

LXXXVIII. The appropriation made to the department of education in 2001, 202:1, VII, E for regional vocational center instruction – Keene.

LXXXIX. The appropriation made to the department of education in 2001, 202:1, VII, F for regional vocational center – Nashua.

XC. The appropriation made to the department of education in 2001, 130:14, II for information technology projects.

XCI. The appropriation made to the department of education in 1999, 226:1, VI, A for computer applications expansion replacement.

XCII. The appropriation made to the department of revenue administration in 2001, 130:14, IX, for information technology projects.

32 Effective Date.

I. Section 3I of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

Adopted.

Report adopted and ordered to third reading.

**HB 135-FN-L, relative to charter schools. OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The charter school bill passed the legislature in a prior session but was vetoed by the Governor. It was passed again by the House and sent to the Finance Committee. The Finance Committee had the advantage of reviewing a proposal by the governor in HB 2. It was decided to move the charter school text in HB 2 to HB 135 to assure a consistent bill. Further, criticism of the status of special education students transferred to charter schools was treated in an amendment. By giving charter schools the same status as any other public school for special education, I.E.P.'s can be adjusted to reflect the unique capabilities of charter schools. The money included in the budget for charter schools is \$250,000 in 2004 and \$425,000 in 2005. Vote 18-4.

**Amendment (1066h)**

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Charter School Funding. Amend RSA 194-B:11 by inserting after paragraph VIII the following new paragraphs:

IX.(a) The pupil's resident school district shall pay tuition in cash or may issue reimbursement anticipation notes as set forth in RSA 198:20-d for each year in which a resident pupil attends a charter school approved by the state board of education. Unless otherwise agreed upon, cash payment shall coincide with the schedule for grant payment set forth in RSA 198:42. The reimbursement anticipation note shall be in the amount of the average base cost per pupil of an elementary or high school pupil, as calculated under RSA 198:40, for the year of attendance at the charter school, and shall be issued to the charter school prior to the beginning of the school year of the charter school. Each reimbursement anticipation note issued shall be for a term of 3 years from the date of issue or may be redeemable by the charter school at such time as the charter school or the pupil's resident school district receives adequate education grant amounts pursuant to RSA 198:42.

(b) Upon receipt of such reimbursement anticipation notes, the charter school may elect to borrow funds for the purpose of meeting general operating and maintenance expenses for charter school operations.

X. Each charter school shall be considered a public charter school and a separate local educational agency for the purposes of federal law. A charter school may accept and expend funds received under the Individuals with Disabilities Education Act, as a local educational agency, for each educationally disabled child who attends the charter school. During the time an educationally disabled child attends a charter school, the charter school shall be the school district responsible for the child under RSA 186-C.

XI. There shall be an appropriation in the fiscal year beginning on July 1, 2003 for the establishment of charter schools under this section. Charter schools which are eligible for grants under this program shall match funds provided by the state through private contributions in order to receive such money. State matching funds shall be provided in addition to any other sums provided by the state. Grants under this section shall be administered and determined by the state board of education who shall have the authority to develop a grant application, written procedures and criteria used to determine eligibility for grants, and procedures for the administration of grants by recipients, including reporting requirements. The total grants provided under this program shall not exceed the amount of money appropriated in the budget for this purpose.

XII. Any money appropriated in the budget for matching charter school grants that remains unused after the department of education issues matching grants to eligible recipients under paragraph XI shall be used to provide a one-year transitional grant to public school districts that have lost pupils as a result of the establishment of a charter school, and have paid tuition to the charter school in cash pursuant to subparagraph IX(a). For the first year in which a public school pupil leaves the public school and enrolls in a charter school, the school district that loses the pupil shall be eligible for a charter school transitional grant of up to \$3,390 per pupil. Such transitional grants shall be administered by the state board of education who shall have the authority to determine eligibility and the amount of money to be awarded to school districts under this section, subject to the amount appropriated in the budget.



## AMENDED ANALYSIS

This bill establishes a 10-year pilot program for the approval of up to 2 charter schools per year by the state board of education and creates certain exemptions from existing law relative to the approval process, while subjecting charter schools approved by the state board of education to the same oversight and reporting requirements found in the existing charter school laws. The bill provides that funding for charter schools shall be through reimbursement anticipation notes or cash tuition payments directly payable to the charter school, and establishes a state matching grant program for charter schools. The bill also provides that a charter school shall be considered to be a public charter school and a separate local educational agency for the purposes of federal law and federal funding.

Adopted.

Report adopted and ordered to third reading.

**HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies. **OUGHT TO PASS**

Rep. Frederick W. King for Finance: This bill increases the existing 2% tax on certain unlicensed insurance companies to 3%. This tax is paid by the broker and predominately applies to commercial lines not available through carriers in New Hampshire. The tax rate of 3% is consistent with other tax rates, ranging from 3% to 6% across the country. It was a recommendation of the New Hampshire Insurance Department. Vote 21-1.

Adopted and ordered to third reading.

**HB 167**, relative to complaints against judges. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill clarifies the jurisdiction of the Judicial Conduct Commission and its presence sparked a spirited discussion regarding its operation and funding. The majority of the committee felt that funding two commissions to do the same work was inappropriate and that the legislatively established committee was the one to be funded. Vote 17-6.

Adopted and ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

**HB 280-FN**, relative to the poison information center. **OUGHT TO PASS**

Rep. Larry G. Elliott for Finance: The Department of Health and Human Services is required by state law, RSA 126-A:49, to have a poison control center. In years past, Dartmouth Hitchcock Medical Center provided this service to the state at no cost to the state. Approximately 17,000 calls are received each year. However, as a result of the tightening economic circumstances in our state, in the near future DHMC will no longer be able to provide this free of charge. The state currently uses a health insurance assessment fee to fund immunizations, and the Science and Technology Committee recommended that the state increase that assessment fee to cover the costs of operating a poison control center. The Department of Health and Human Services will determine the amount of the increase based on the number of individuals who are covered by health insurance. Although the exact charge is uncertain, the department projects an increase of six cents per month per insured. The poison control center services will be put out to bid, and additional savings may be realized. It is estimated that the cost in Fiscal Year 04 will be \$778,480. However, we may only need to raise \$400,000 through assessment fees because federal funds and other funds, including bioterrorism funding may become available to offset state expenses. Vote 21-2.

Adopted and ordered to third reading.

**HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Last session the legislature appropriated ten million dollars as part of an arrangement to purchase 171,000 acres in the Connecticut Lakes headwaters tract. There were to be eleven million dollars in federal funds, one million in private contributions and twelve million from a timber company. The timber company would own most of the tract, and allow recreational use managed by the division of parks and recreation. Delays in finalizing the easement led the sponsors to file this bill in the event that the whole arrangement might be jeopardized. The Finance Committee found that the land could produce up to one million dollars per year in timber harvest and camp leases. Thus, the committee amended the bill to have the bond payments made from the Forest Management and Protection Fund of the state into which timber harvest and camp

leases would flow were the state to own the land. This action leaves the general fund bonding capacity fully available for all the competing construction projects. As we report the bill out, we have learned that the original arrangement may come to fruition before this bill reaches the Governor's desk. Should that occur, we will leave it to our Senate colleagues to find that this bill is unnecessary. Vote 20-0.

#### **Amendment (0945h)**

Amend the bill by replacing section 4 with the following:

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not to exceed \$12,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Notwithstanding the provisions of RSA 227-G:5, I, payments of principal and interest on the bonds and notes shall be made from the forest management and protection fund established in RSA 227-G:5, I.

Adopted.

Report adopted and ordered to third reading.

#### **HB 519-FN-A, relative to the conservation number plate trust fund. OUGHT TO PASS**

Rep. Betsy A. Coes for Finance: This bill accomplishes three objectives at no additional cost. First, it adds the planting of lilacs to the Department of Transportation's current wildflower establishment program. Second, it directs \$50,000 from conservation plate sales to DRED for the marketing and promotion of conservation plates; and third, it removes the 10% administrative cost cap on funds transferred to the state conservation committee's grants program. Vote 21-0.

Adopted and ordered to third reading.

#### **HB 578-FN-A, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill establishes a program for self-certification by small quantity hazardous waste generators. There is no general fund money in this bill; the program is funded by fees. It is an important initiative supported by the generators to enhance compliance, and avoid non-compliance penalties in a complex and changing regulatory climate. The small quantity generator fee is \$180 for three years as well as a new notification fee for new hazardous waste generators of \$100. The fees will be deposited into the Hazardous Waste Cleanup Fund. Revenues 04 - \$254,145; expenses 04 - \$249,382. Revenues 05 - \$262,784; expenses 05 - \$254,145. Vote 18-1.

Adopted and ordered to third reading.

#### **CLERK'S NOTE**

Without objection, **HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants, was postponed until after the noon recess.

#### **HB 621-FN-A-L, establishing an early childhood literacy program. OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: The legislature, through past actions, has determined that it is desirable to provide children from 0-3 years of age with a solid foundation for success in school and life, and to increase parents' knowledge about child development and appropriate ways to encourage that development. This bill authorizes the Department of Education to expand, to 10-15 other sites, the existing early childhood literacy program in Claremont, which is modeled after the national Parents as Teachers program. This program is intended to provide children ages birth through three, whose parents choose to participate, with a solid foundation for success in school. The amendment authorizes the commissioner to apply for, accept and expend up to \$1 million for this program from non-state sources. Vote 17-2.

#### **Amendment (0955h)**

Amend the bill by replacing section 3 with the following:

3 Funds Authorized. The commissioner is authorized to apply for, accept, and expend not more than \$1,000,000 from non-state sources each year for the biennium ending June 30, 2005, for the purposes of the early childhood literacy program established in sections 1-2 of this act Any funds received under this paragraph shall be non-lapsing.

**AMENDED ANALYSIS**

This bill implements an early childhood literacy program in the department of education modeled after the national Parents as Teachers program, and authorizes the commissioner of the department of education to apply for, accept, and expend non-state funds for the early childhood literacy program.

Adopted.

Reps. Hagan, Newton and Ingbreton spoke against.

Rep. Kurk spoke in favor.

Rep. Hopper requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 193 NAYS 181****YEAS 193****BELKNAP**

Bartlett, Gordon  
Pilliod, James

Fitzgerald, James  
Russell, David

Holbrook, Robert  
Thomas, John

Nedeau, Stephen  
Whalley, Michael

**CARROLL**

Derby, Mark  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Hatch, Paul

McConkey, Mark

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Pratt, Irene  
Royce, H Charles  
Webber, Amy

Batchelder, Robert  
Hunt, John  
Pratt, John  
Slack, Pamela  
Weed, Charles

Dunn, James  
Manning, Joseph  
Richardson, Barbara  
Smith, Edwin

Eaton, Daniel  
Mitchell, McKim  
Robertson, Timothy  
Tilton, Anna

**COOS**

King, Frederick  
Tholl, John Jr

Mears, Edgar

Poulin, Richard

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Hammond, Lee  
Solomon, Peter

Almy, Susan  
Densmore, Edward  
Nordgren, Sharon

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Eaton, Stephanie  
Sokol, Hilda

**HILLSBOROUGH**

Allan, Nelson  
Brassard, Paul  
Clemons, Jane  
Dionne, Kimberley  
Emerton, Larry  
Gonzalez, Carlos  
Hallyburton, Margaret  
Johnson, Lionel  
Kudalis, Debra  
Lefebvre, Roland  
Milligan, Robert  
Pepino, Leo  
Spiess, Paul  
Wheeler, Robert

Balcom, John  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Gorman, Mary  
Haytayan, Harry Jr  
Katsiantonis, Thomas  
Kurk, Neal  
Malloy, Chris  
Moran, Edward  
Pilotte, Maurice  
Sullivan, Francis

Baroody, Benjamin  
Carter, Mark  
Cote, Peter  
Drisko, Richard  
Ford, Nancy  
Graham, John  
Irwin, Anne-Marie  
Konys, Christine  
Lasky, Bette  
Mercer, Robert  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

Bergin, Peter  
Clayton, William  
Craig, James  
Elliott, Larry  
Gargas, Carolyn  
Haley, Robert  
Jean, Claudette  
Kopka, Angeline  
Leach, Edward  
Messier, Irene  
Pappas, Christopher  
Shaw, Barbara  
Sweeney, Cynthia

**MERRIMACK**

Anderson, Eric  
Clarke, Claire

Blanchard, Elizabeth  
Colcord, J D

Bouchard, Candace  
Daniels, Eric

Brueggemann, Donald  
Davis, Frank

DeJoie, John  
 Gile, Mary  
 Kenison, Leon  
 Maxfield, Roy  
 Wallner, Mary Jane

DeStefano, Stephen  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 Perkins, Randy

Fraser, Leo Jr  
 Hamm, Christine  
 Leber, William  
 Potter, Frances

French, Barbara  
 Jacobson, Alf  
 MacKay, James  
 Rush, Deanna

### ROCKINGHAM

Blanchard, MaryAnn  
 Cooney, Richard  
 Dearborn, Bruce  
 Gleason, John  
 Kelley, Jane  
 Noyes, Richard  
 Shultis, Elizabeth  
 Tufts, J Arthur

Carson, Sharon  
 Corbin, Corey  
 DiFruscia, Anthony  
 Gould, Kenneth  
 Langone, John  
 Pantelakos, Laura  
 Splaine, James  
 Vallone, Matthew

Casey, Kimberley  
 Dalrymple, Janeen  
 Dodge, Robert  
 Holland, James Jr  
 McEachern, Paul  
 Pitts, Jacqueline  
 Stone, Joseph

Coes, Betsy  
 Davidson, Robert  
 Flanders, John Sr  
 Johnson, Robert  
 Norelli, Terie  
 Rausch, James  
 Stritch, C Donald

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Taylor, Kathleen

Bickford, David  
 Grassie, Anne  
 Keans, Sandra  
 Rollo, Deanna  
 Snyder, Clair  
 Vachon, Dennis

Brown, Julie  
 Hofemann, Roland  
 Knowles, William  
 Rous, Emma  
 Spang, Judith  
 Wall, Janet

Creteau, Irene  
 Johnson, Nancy  
 Musler, George  
 Schmidt, Peter  
 Taylor, Katherine

### SULLIVAN

Allison, David  
 Ferland, Brenda  
 Harris, Sandra

Burling, Peter  
 Flint, Gordon Sr  
 Jones, Constance

Cloutier, John  
 Franklin, Peter  
 Leone, Richard

Donovan, Thomas  
 Harris, Joseph  
 Phinizy, James

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### BELKNAP

Ahern, Omer Jr  
 Lawton, David

Boyce, Laurie  
 Rice, Thomas

Clark, Charles  
 Wendelboe, Fran

Laflam, Robert

### CARROLL

Babson, David Jr  
 Mock, Henry

Brown, Carolyn  
 Olimpio, J Lisbeth

Kenney, Bettie  
 Philbrick, Donald

Morrow, Harry

### CHESHIRE

Dexter, Judson  
 Parkhurst, Henry

Fish, Douglas

Laurent, John

Liebl, George

### COOS

Brady, Mark  
 Theberge, Robert

Guay, Lawrence  
 Woodward, David

Richardson, Herbert

Stohl, Eric

### GRAFTON

Alger, John  
 Gionet, Edmond  
 Sorg, Gregory

Dorsett, Andrew  
 Giuda, Robert  
 Williams, Burton

Dudley, Terri  
 Ingbreton, Paul

Gilman, G Michael  
 Maybeck, Margie

### HILLSBOROUGH

Adams, Jarvis  
 Balboni, Michael  
 Bergeron, Jean-Guy  
 Buhlman, David  
 Cernota, Albert  
 Crane, Elenore Casey  
 Gibson, John

Allen, Timothy  
 Barry, J Gail  
 Bouchard, David  
 Cail, Kenneth  
 Chabot, Robert  
 Desmarais, Vivian  
 Goulet, Maurice

Arnold, Thomas Jr  
 Batula, Peter  
 Brundige, Robert  
 Carlson, Donald  
 Christiansen, Lars  
 Fletcher, Richard  
 Goyette, Peter Jr

Artz, Lawrence  
 Beaton, William  
 Bruno, Pierre  
 Carter, Jeffrey  
 Coughlin, Pamela  
 Furman, Christine  
 Greenberg, Gary

Hagan, Barbara	Hall, Charles	Hansen, Ryan	Harrington, Paul
Hawkins, Ken	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Hunter, Bruce	Jasper, Shawn	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lawrence, James	Lessard, Rudy	Luebker, Bernard
McElroy, Henry Jr	McHugh, Claire	McRae, Karen	Mooney, Maureen
Mosher, William	O'Brien, Lori	Ober, Russell III	Pappas, Marc
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Tate, Joan	Vaillancourt, Steve	Wheeler, James	

**MERRIMACK**

Currier, David	Dunne, Christopher	Field, William	Foley, Albert
Hess, David	Langer, Ray	Lockwood, Priscilla	Marple, Richard
McCormick, Tom	Nutter, Edward	Oliver, James	Ouellette, Robert
Reed, Dennis	Soltani, Tony		

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bridle, Russell	Cady, Harriet
Camm, Kevin	Clark, Vivian	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Hamel, Albert	Headd, James	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	Manning, John	McCann, Richard
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Matthew	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Smith, Paul	Varrell, Thomas
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman Jr
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

**STRAFFORD**

Albert, Russell	Bemis, Alan	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

Rep. Stephanie Eaton voted Yea and intended to vote Nay.

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: This bill increases the oil import fee from \$.001 to \$.00125 to provide funds for the Department of Environmental Services to increase staff for the new problem of ethers in leaking oil (such as MTBE). This bill also reimburses \$100,000 to the general fund to cover expenses attributed to costs beyond the regular oil fund programs which are covered by oil import fees. The bill also increases the rate of interest on overdue oil import fees and repeals underground storage facility permit fees. Vote 22-1.

**Amendment (1051h)**

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 2003.

Adopted.

Report adopted and ordered to third reading.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill as amended reauthorizes the long-term care financial relationship between the state and the counties for an additional year. It covers nursing home, residential and home and community-based care. The bill establishes a county-state finance commission to oversee the relationship and make recommendations on rate setting, billing systems and individual county payment limits. The bill continues the limit on nursing home beds and caps the counties' financial liabilities for long-term care for FY 04 and FY 05 at \$58 million and \$60 million respectively. The bill establishes a nursing home assessment at 6% of gross revenues that will be matched with federal funds. The result is an additional \$23 million that will be distributed through a quality incentive program to nursing homes that serve Medicaid patients. The counties will receive approximately \$12 million of those funds, which would have a very favorable impact on county property taxes. This is an assessment on the nursing home facilities and not the residents. Therefore, it is expected that private pay residents will not be directly impacted by this bill. The bill also establishes similar assessments on community mental health center providers and provides for the developmentally disabled. Vote 20-3.

**Amendment (1112h)**

Amend the bill by replacing all after the enacting clause with the following:

**I Purpose and Intent.**

I. The purpose of this act is to reauthorize the county obligation to fund a portion of the non-federal share of medicaid expenses for long-term care programs.

II. This act addresses the need to better manage the financial relationship between state and county governments, which must work as partners in the development and funding of long-term care medicaid services. This act reduces the growing deficits between the actual reasonable costs for providers of long-term care medicaid services and the level of medicaid reimbursement.

III. This act reauthorizes eligible individuals to choose home and community-based care, mid-level care, or a nursing facility. This plan allows the state to serve an increasing medicaid eligible population appropriately and economically.

IV. This act also establishes a medicaid quality incentive program to promote quality care for medicaid nursing home residents.

2 New Chapter; County-State Finance Commission. Amend RSA by inserting after chapter 28-A the following new chapter:

**CHAPTER 28-B**

**COUNTY-STATE FINANCE COMMISSION**

28-B:1 Commission Established. There is hereby established the county-state finance commission which shall consist of the following members:

I. The commissioner of the department of health and human services.

II. The director of the division of elderly and adult services in the department of health and human services.

III. Three members appointed by the commissioner of the department of health and human services, and one member appointed by the governor and council, who shall serve 2-year terms, provided that the initial terms of 2 such members shall be for one year.

IV. Six members representing county government, all appointed by the New Hampshire Association of Counties, who shall serve 2-year terms, provided that the initial terms of 3 such members shall be for one year.

28-B:2 Chairperson; Meetings. The commission shall elect a chairperson from among its members, provided that the chair shall alternate between a state and a county representative in a manner determined by the commission. The commission shall meet at least quarterly and shall adopt rules for its procedures.

28-B:3 Duties of the Commission. The county-state finance commission shall oversee the financial relationship and the development of policy associated with programs for which the county and state governments share funding obligations. The commission shall have the following responsibilities:

I. Review and provide recommendations about the state's long-term care medicaid plan under RSA 151-E and related provisions which address programs for which counties have financial obligation prior to submission of such plans to the federal medicaid agency.

II. Review and provide recommendations regarding department of health and human services rate setting and adjustments including, but not limited to, those for long-term care services for elderly and adult clients by the division of elderly and adult services, court-ordered and volunteer services by the division for children, youth, and families, the division of juvenile justice services, prior to any rate setting or adjustments.

III. Review and provide recommendations for refinement of county billing systems for all payments from the counties to the state.

IV. Pursue and evaluate funding options.

V. Develop a process for managing individual county payment limits under RSA 167:18-b, IV. In no event shall the individual county payment limit reduce or alter the total county obligation under 167-18-b, IV.

3 New Subparagraph; Health Services Planning and Review Board; County Official Added. Amend RSA 151-C:3, I(a)(2) by inserting after subparagraph (C) the following new subparagraph: (D) A county official.

4 Prohibitions; Certificates of Need. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending [June 30, 2003] **December 31, 2006**, except that a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

5 Long Term Care; Program Management and Cost Controls. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for care class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, *and the prior review of the county-state finance commission*.

II. For the fiscal year beginning July 1, 1999, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 50 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 33 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. *The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.*

6 Payment of Funds for Persons Eligible to Receive Nursing Home Care. Amend RSA 167:18-b to read as follows:

167:18-b [~~Reimbursement~~] **County Payments** of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments.

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

II. Each county shall be liable in the same manner as provided for in paragraph I for old age assistance and aid to the permanently and totally disabled recipients who are eligible for nursing home care, but who are in another setting as an alternative to placement in a nursing home and are supported under the medicaid home and community-based care waiver for the elderly and chroni-

cally ill, as such waiver may be amended from time to time, except that no charges shall be made for services under the waiver to the extent the average cost of all such services exceeds the average cost for care that would have been provided in nursing homes.

III. ~~[The counties shall have an aggregate credit of \$2,000,000 against amounts due under this section for each fiscal year beginning July 1, 1998. The \$2,000,000 shall be allocated among the counties based upon the proportion each paid under this section in the prior fiscal year and shall be made available as soon as possible after the start of the fiscal year.]~~ If the federal share of expenditures under this section is made available to the state in a method other than as a fixed percentage reimbursement, the non-federal share shall be the amount of expenditures remaining after appropriate application of federal funds.

IV. The total ~~[reimbursements]~~ *billings* by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed ~~[the amounts set forth below for any of the state fiscal years 1999-2003]~~ *50 percent of the non-federal share of the combined long-term care medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, 2004 and June 30, 2005 exceed:*

(a) State fiscal year ~~[1999]~~2004—~~[\$54,000,000]~~\$58,000,000.

(b) State fiscal year ~~[2000]~~2005—~~[\$57,000,000]~~\$60,000,000.

~~[(c) State fiscal year 2001—\$60,000,000.~~

~~(d) State fiscal year 2002—\$63,000,000.~~

~~(e) State fiscal year 2003—\$66,000,000.]~~

V. ~~[In no event shall the financial obligation of any county for reimbursement of funds pursuant to paragraph I for state fiscal year 1999 exceed the amount that the county otherwise would have had to pay pursuant to paragraph I if this section were not effective prior to July 1, 1999.]~~ *The limitations of total payments by all counties shall be recalculated every 2 years to align with the state budget process and amounts appropriated for all services for which the counties are liable.*

VI. For purposes of this section all expenditures shall include all ~~[reimbursements made]~~ *bills for which the county is liable* for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services.

7 New Paragraph; Rulemaking Added. Amend RSA 167:3-c by inserting after paragraph XII the following new paragraph:

XIII. The administration of the payment of funds for persons eligible to receive nursing home services. Prior to the submission of proposed rules under RSA 541-A, such rules shall be submitted for review by the county-state finance commission under RSA 28-B.

8 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, ~~[2003]~~ 2004.

9 New Chapters; Community Mental Health Center Provider Assessment; Nursing Facility Quality Assessment; Developmentally Disabled Provider Assessment. Amend RSA by inserting after RSA 84-B the following new chapters:

#### CHAPTER 84-C

##### COMMUNITY MENTAL HEALTH CENTER PROVIDER ASSESSMENT

84-C:1 Definitions. In this chapter:

I. "Assessment" means the user fee imposed pursuant to this chapter. For all community mental health centers, the assessment shall be imposed on the provider's gross revenues for the previous fiscal year.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Community mental health center" means a program as defined in RSA 135-C:10.

84-C:2 Imposition of Fee. A assessment of 6 percent of the state fiscal year's gross revenues is hereby imposed on community mental health centers. The assessment shall be implemented as a health care-related fee as defined in 42 C.F.R. 433.55.

84-C:3 Fee Due. Each community mental health center shall pay its assessment in 3 equal installments. The first payment shall be made on or before September 30, the second payment shall be made on or before December 31, and the third payment shall be made on or before March 31. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made within 15 days of when such payment is due.



84-C:4 Returns. Every community mental health center shall on or before September 30 make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of program gross revenues and the fee assessed upon such amount. All returns shall be signed by the authorized representative of the community mental health center, subject to the pains and penalties of perjury.

84-C:5 Method of Payment and Deposit of Fee.

I. The payments required by RSA 84-C:3 shall be made to the department of revenue administration and deposited to the community mental health center trust fund established by RSA 84-C:7.

II. The commissioner and the state treasurer are authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I.

84-C:6 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a community mental health center is required to file a return.

84-C:7 Community Mental Health Center Trust Fund Established. There is hereby established the community mental health center trust fund for the receipts from the assessment on the community mental health centers, any federal financial participation received by the state as a result of expenditures funded by these assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the community mental health center trust fund and shall not be used for any other purposes. These funds shall be nonlapsing. Any balance shall be carried forward to subsequent fiscal years.

84-C:8 Contingencies. The community mental health center assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of either of the following events:

I. The federal match for medicaid funds allocated to community mental health centers is less than 50 percent in any fiscal year;

II. Federal approval of the community mental health center provider assessment established under this chapter, or of any related state plan amendments, is not granted or is withdrawn.

#### CHAPTER 84-D

#### NURSING FACILITY QUALITY ASSESSMENT

84-D:1 Definitions. In this chapter:

I. "Assessment" means the nursing facility quality assessment imposed pursuant to this chapter.

II. "Assessment period" means a 3-month period beginning July 1, October 1, January 1, and May 1, of each year.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Gross revenues" means gross patient services revenue recorded by the nursing facility for established rates for services provided to residents, regardless of whether full payment of such amounts is expected or paid.

V. "Nursing facility" means a nursing facility as defined in RSA 151-E:2, V.

84-D:2 Imposition of Fee. A assessment of 6 percent of the gross revenues is hereby imposed on all nursing facilities. The fee shall be implemented as a broad-based health care-related fee as defined in 42 U.S.C. section 1396b(w)(3)(B).

84-D:3 Assessment Due.

I. Each nursing facility shall pay 100 percent of its nursing facility quality assessment due and payable for the assessment period no later than the fifteenth day of the month following the assessment period. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-D:4 shows an additional amount of assessment to be due, such additional amount is due and payable at the time the return is due.

84-D:4 Returns. Every nursing facility shall on or before the tenth day of the month following the expiration of the assessment period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the date which it must contain for the correct computation of facility gross revenues and the assessment upon such amount. All returns shall be signed by the authorized representative of the nursing facility, subject to the pains and penalties of perjury. If such return shows an overpayment of the assessment due, the commissioner shall refund or credit the overpayment to the nursing facility.

**84-D:5 Collection and Deposit of Assessment.**

I. The commissioner shall collect the assessment imposed by this chapter, interest on assessment, additions to assessment and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit to the nursing facility trust fund established by RSA 151-E:14.

II. The state treasurer is authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I or III.

III. The commissioner may adopt rules pursuant to RSA 541-A requiring that payments made under this chapter be made by electronic funds transfer to the state treasurer for deposit to the nursing facility trust fund established by RSA 151-E:151-E:14.

**84-D:6 Additional Returns.** When the commissioner has reason to believe that a nursing facility has failed to file a return or to include any part of its gross revenue in a filed return, the commissioner may require the nursing facility to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the nursing facility of any penalty for failure to make a correct original return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify the statute of limitations provided in RSA 21-J:29.

**84-C:7 Extension of Time for Returns.** For good cause, the commissioner may extend the time within which a nursing facility is required to file a return, and if such return is filed during the period of extension no penalty or late filing charge may be imposed for failure to file the return at the time required by this chapter, but the nursing facility shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

**84-D:8 Records.**

I. Every nursing facility shall:

(a) Keep such records as may be necessary to determine the amount of its liability under this chapter.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

(c) Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

**84-D:9 Administration.**

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the nursing facility quality assessment; and

(b) The recovery of any assessment, interest on assessment, or penalties imposed by this chapter or by RSA 21-J.

II. The commissioner may institute actions in the name of the state to recover any assessment, interest on assessment, additions to assessment or penalties imposed by this chapter or by RSA 21-J.

III. In the collection of any overdue tax, penalties or interest imposed by this chapter or by RSA 21-J, the commissioner may use all of the powers granted to tax collectors under RSA 21-J and RSA 80 for the collection of taxes.

**84-D:10 Confidentiality of Records.** Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing information to the commissioner of health and human services with respect to the assessment imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any information provided by the commissioner.

**84-D:11 Contingencies.**

I. The nursing facility quality assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of any of the following events:

(a) The state and county share of payments to nursing facilities is less than \$91 million in any fiscal year;

(b) Federal approval of the nursing facility quality assessment established under this chapter, or of any related state plan amendments is withdrawn; or

(c) Any proceeds from the nursing facility quality assessment established in this chapter are expended by the state or any state agency for any purpose other than funding the nursing facilities under the medicaid quality incentive program under RSA 151-E:13.

II. The assessments established by this chapter shall not be collected until the commissioner of health and human services certifies that the department of health and human services has obtained federal approval of any related state plan amendments. The medicaid quality incentive program payments authorized by RSA 151-E:13 shall be made 30 days after federal approval of the nursing facility provider assessment is first received from the federal government and shall cover the period beginning May 1, 2003.

#### CHAPTER 84-E

##### DEVELOPMENTALLY DISABLED PROVIDER ASSESSMENT

84-E:1 Definitions. In this chapter:

I. "Assessment" means the user fee imposed pursuant to this chapter. For residential care and day program providers under RSA 171-A, the assessment shall be imposed on the provider's gross revenues for the previous fiscal year.

II. "Commissioner" means the commissioner of the department of revenue administration.

84-E:2 Imposition of Fee. A assessment of 6 percent of the prior state fiscal year's gross revenues is hereby imposed on residential care and day program providers under RSA 171-A. The assessment shall be implemented as a health care-related fee as defined in 42 C.F.R. 433.55.

84-E:3 Fee Due. Each residential care and day program provider under RSA 171-A shall pay its assessment in 3 equal installments. The first payment shall be made on or before September 30, the second payment shall be made on or before December 31, and the third payment shall be made on or before March 31. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made within 15 days of when such payment is due.

84-E:4 Returns. Every residential care and day program provider shall on or before September 30 make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of program gross revenues and the fee assessed upon such amount. All returns shall be signed by the authorized representative of the residential care and day program provider, subject to the pains and penalties of perjury.

84-E:5 Method of Payment and Deposit of Fee.

I. The payments required by RSA 84-E:3 shall be made to the department of revenue administration and deposited to the developmentally disabled provider trust fund established by RSA 84-E:7.

II. The commissioner and the state treasurer are authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I.

84-E:6 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a provider is required to file a return.

84-E:7 Developmentally Disabled Provider Trust Fund Established. There is hereby established the developmentally disabled provider trust fund for the receipts from the assessment on the developmentally disabled providers, any federal financial participation received by the state as a result of expenditures funded by these assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the developmentally disabled provider trust fund and shall not be used for any other purposes. These funds shall be nonlapsing. Any balance shall be carried forward to subsequent fiscal years.

84-E:8 Contingencies.

I. The developmentally disabled provider assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of either of the following events:

(a) The federal match for medicaid funds allocated to developmentally disabled providers is less than 50 percent in any fiscal year;

(b) Federal approval of the developmentally disabled provider assessment established under this chapter, or of any related state plan amendments, is not granted or is withdrawn.

10 Long Term Care; Financial Eligibility Standards. RSA 151-E:3, I(b) is repealed and reenacted to read as follows:

(b) Financially eligible as either:

(1) Categorically needy, as calculated pursuant to rules adopted by the department under RSA 541-A; or

(2) Medically needy, as calculated pursuant to rules adopted by the department under RSA 541-A.

11 New Sections; Medicaid Quality Incentive Program. Amend RSA 151-E by inserting after section 12 the following new sections:

151-E:13 Medicaid Quality Incentive Program.

I. The department shall implement a medicaid quality incentive program to assist all non-state owned nursing facilities with medicaid residents. The funds available to support this program shall be from the nursing facility trust fund established in RSA 151-E:14.

II. The medicaid quality incentive paid to a facility shall be based on the percentage of the facility's medicaid bed days to the facility's total bed days, weighted by the facility's medicaid bed days as a percentage of all facility medicaid bed days.

III. Within 15 days after the close of each quarter the commissioner of administrative services shall certify to the governor and the commissioner of health and human services the amount available to support the medicaid quality incentive program. The amounts certified are hereby appropriated to the department of health and human services for the purpose of implementing the medicaid quality incentive program and the governor is authorized to draw warrants for said sums out of any money in the treasury not otherwise appropriated. The department of health and human services shall designate a specific budget class line for the medicaid quality incentive program.

IV. When the funds for the medicaid quality incentive program are made available, the department of health and human services shall immediately distribute them to eligible facilities together with any matching federal funds that may be available to support the program.

V. Notwithstanding the obligation of the counties to fund services pursuant to RSA 167:18-b, the counties shall not contribute toward the cost of the medicaid quality incentive program.

151-E:14 Nursing Facility Trust Fund Established. There is hereby established the nursing facility trust fund for the receipts from the nursing facility quality assessment under RSA 84-D:3, any federal financial participation received by the state as a result of expenditures funded by these nursing facility quality assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the nursing facility trust fund and shall not be used for any other purposes.

151-E:15 Expenditure of Funds from Nursing Facility Trust Fund. Notwithstanding any other provision of law, moneys in the nursing facility trust fund shall be expended in the following manner:

I. All sums shall fund the medicaid quality incentive program under RSA 151-E:13.

II. The state treasurer shall transfer from the nursing facility trust fund to the general fund on the first business day of each quarter the amount necessary to fund the payments under the medicaid quality incentive program under RSA 151-E:13.

III. The state treasurer shall transfer, and the commissioner of health and human services shall fund using the medicaid quality incentive program under RSA 151-E:13, the amount of the nursing facility trust fund in each quarter.

IV. Notwithstanding the provisions of RSA 167:18-b, 1, no county shall be required to make any contribution to fund the medicaid quality incentive program necessitated by this chapter.

12 Penalty for Failure to File; Reference Added. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5 [or], RSA 84-A:7, or 84-D:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

13 Applicability. Nothing in this act shall be construed to create a new right on entitlement on behalf of any person to receive a service provided by the state.

14 Effective Date.

I. Section 8 of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

## AMENDED ANALYSIS

This bill:

I. Establishes a statutory county-state finance commission.

II. Extends and amends the payment provisions for counties relative to the nonfederal share of nursing home facility services.

III. Adds a county official to the health services planning and review board.

IV. Establishes a community mental health provider assessment, a nursing facility quality assessment, and a developmentally disabled provider assessment.

Adopted.

Report adopted and ordered to third reading.

The House recessed at 11:45 a.m.

## RECESS

## (Speaker Chandler in the Chair)

The Speaker reconvened the House at 1:10 p.m.

## REGULAR CALENDAR (CONT'D)

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS**  
Rep. Robert L. Wheeler for Finance: This bill is the result of a study committee and reflects input from and consensus between the legislative and judicial branches of government. The bill establishes a contributory defined benefit judicial retirement plan. The future cost savings to the state become significant because regular contributions of both members (full time judges) and employer (State of New Hampshire) will provide adequate funding of the actuarial demands of the plan. The bill provides for an adjustment to judicial salaries equal to the contribution required by the plan and a onetime start-up appropriation of \$250,000. The bill recognizes the need to continue funding the retirement plan of currently retired judges and in no way alters the provisions of their current retirement plan. The additional cost of the contributory program is \$3,000,000 per year, largely to retire the unfunded liability of our present pay-as-you-go system. In 20 years, when the unfunded liability is amortized, the annual cost of judicial retirement is reduced by over 40%. Vote 22-1.

Rep. Alger inquired if the bill was divisible and requested that Section 3 be divided.

The Speaker ruled the bill was divisible and, without objection, so ordered.

Rep. Alger spoke against Section 3.

Rep. Wheeler spoke in favor and yielded to questions.

Section 3 adopted.

Remainder of report adopted.

Ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for the Majority of Finance: This bill sets in law lower rates for the statewide property tax, decreasing yearly from \$4.92 in 2004 to \$3.92 in 2009 and thereafter in inverse proportion to the increase in equalized property valuation. In addition, the bill establishes a targeted aid program funded at \$10 million in 2004, \$15 million in 2005 and \$20 million each in FY 2006 and 2007. The bill modifies the existing education funding formula to reflect more accurately the cost of providing an adequate education. The base cost in the formula is indexed to the northeast regional consumer price index. Transportation covers the full cost of what is required by state statute. Home schooled pupils are included in the weighting system in proportion to the costs borne by their districts. It is estimated that the cost of an adequate education will be \$885 million in FY 2004 and \$910 in FY 2005. Vote 13-9.

Rep. Elizabeth S. Hager for the Minority of Finance: The minority agrees with the majority that the costing methodology the legislature has chosen to use may not accurately reflect the cost of continuing to provide adequate education opportunity over time. While we do not share their goal, we also agree with the majority that HB 608 will reduce the state responsibility now and even more so over time. The minority believes that HB 608 as amended by the majority shifts that responsi-

bility to local taxpayers, most of whom will have a more difficult time raising dollars necessary to pay the increase in local school taxes which will be the unavoidable result of passage of HB 608 as amended by the majority. The minority proposes, instead, to continue the plan now in place until the legislature is ready to grapple with the complicated underlying issues. The minority amendment does that. It lowers the property tax in each succeeding biennium parallel to those reductions in HB 608. These decreases take into account the anticipated increase in statewide property values. The amendment uses the adequacy figures determined by the Department of Education. The minority suggests that it is in the best interests of school districts and of local taxpayers that we don't keep changing the rules until we have figured out an appropriate long-term solution.

### **Majority Amendment (1105h)**

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Statement of Purpose; Legislative Findings.**

I. The general court recognizes the inherent imprecision and subjectivity involved in determining the cost of providing the opportunity for an adequate education. In the exercise of its constitutional authority and discretion, to provide the opportunity for pupils to obtain an adequate education, the general court has adopted an average costing methodology. The general court recognizes that this costing methodology may produce spending pressures and results that may not accurately reflect the cost of continuing to provide adequate educational opportunity over time. As a result, the general court finds that changing the base cost per pupil by reference to the consumer price index is the most appropriate way to calculate changes in the cost of an adequate education.

II. The general court further finds that the local portion of the cost of education is primarily funded through a local tax on property. Resident homeowners use personal income to pay their property tax bills. In municipalities that have less industry, and fewer rental properties or vacation homes, resident homeowners bear most of the burden in paying the local property tax. Targeted education grants will assist those municipalities that have less other property and less income in relation to home values in providing additional education services.

#### **2 Education Property Tax; Fiscal Year 2004 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

#### **3 Education Property Tax; Fiscal Year 2005 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.92~~] **\$4.72** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

#### **4 Education Property Tax; Fiscal Year 2006 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.72~~] **\$4.52** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

#### **5 Education Property Tax; Fiscal Year 2007 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.52~~] **\$4.32** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

#### **6 Education Property Tax; Fiscal Year 2008 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.32~~] **\$4.12** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

#### **7 Education Property Tax; Fiscal Year 2009 Rate Reduced. Amend RSA 76:3 to read as follows:**

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.12~~] **\$3.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

8 Education Property Tax; Rate Formula. RSA 76:3 is repealed and reenacted to read as follows:  
76:3 Education Property Tax.

I. Beginning July 1, 2009, and every July 1 thereafter, the commissioner of the department of revenue administration shall calculate the education property tax rate to be imposed in the fiscal year by calculating the percentage change in the total valuation of all developed land in the state as of June 30 of the year in which the calculation is made, assessed at 100 percent of fair market value, and adjusting the education property tax rate that was in effect as of June 30, 2009 in inverse proportion to such percentage change. In this section, "developed land" shall mean any land, regardless of whether or not it is subject to a conservation restriction, upon which structures or improvements have been introduced for residential, commercial, or industrial purposes or any commercial mining or excavating purposes inconsistent with its use as open space land.

II. The maximum tax rate imposed under this section shall not exceed the education tax rate in effect during the immediately preceding fiscal year.

9 New Subparagraph; School Money; Definitions. Amend RSA 198:38, VII by inserting after subparagraph (d) the following new subparagraph:

(e) Each pupil who is home educated pursuant to a program approved under RSA 193-A shall be added as follows:

(1) 0.1 for each home educated pupil participating in a public school activity; and

(2) An additional 0.15 for each academic course taken in a public school, provided that no co-curricular activity, as defined by the department of education, shall count as an academic course under this subparagraph.

10 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. For the fiscal year beginning July 1, 2003, and every fiscal year thereafter, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

11 School Money; Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding ~~[70]~~ 100 percent of ~~[total statewide]~~ transportation costs *as defined in RSA 198:38, XI*.

12 School Money; State Aid for Educational Adequacy. Amend RSA 198:38, XI to read as follows:

XI. "Transportation costs" means the ~~[costs]~~ cost of transporting pupils *in kindergarten through grade 8* to and from school ~~[and other school activities]~~ as reported by school districts on the ~~[MS-25]~~ DOE-25 form.

13 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

(b) Add to the product of subparagraph (a), ~~[70]~~ 100 percent of the municipality's apportioned transportation ~~[cost]~~ costs *as defined in RSA 198:38, XI*;

14 New Section: Targeted Education Grants. Amend RSA 198 by inserting after section 45 the following new section:

198:45-a Targeted Education Grants.

I. In this section:

(a) "Median family income" and "median home value" shall be as defined in the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce. County values shall be used for unincorporated places not reported in the census data.

(b) "Total equalized valuation" shall mean the most recent available total equalized valuation, including utilities and railroads, as determined by the department of revenue administration.

(c) "Adjustment percentage" shall mean the percentage which will result in a total targeted education grant distribution in a fiscal year that will match, as nearly as possible without exceeding, the appropriation in such fiscal year for targeted education grants.

II. The department of education shall annually calculate each municipality's targeted education grant as set forth in this paragraph.

(a) The department of education shall calculate the statewide average per pupil target amount as follows:

(1) Multiply the statewide median family income by 0.5 percent; and

(2) Divide the product by the statewide median home value; and

(3) Multiply the result by the statewide total equalized valuation and divide the product by the statewide average daily membership in residence. The result shall be the statewide average per pupil target amount.

(4) Multiply the statewide average per pupil targeted amount by 2 and multiply the result by the adjustment percentage.

(b) The department of education shall calculate the local valuation per pupil as follows:

(1) Multiply the average median family income in the municipality by 0.5 percent; and

(2) Divide the product by the median home value in the municipality; and

(3) Multiply the result by the total equalized valuation in the municipality and divide the product by the average daily membership in residence in the municipality. The result shall be the local per pupil amount.

(c) Subtract the amount obtained in subparagraph (b) from the amount obtained in subparagraph (a) and multiply the difference by the adjustment percentage. The result, if greater than zero, shall be multiplied by the average daily membership in residence in the municipality and shall be distributed to the municipality as a targeted education grant.

III. The sums of \$10,000,000 for the 2004 fiscal year, \$15,000,000 for the 2005 fiscal year, \$20,000,000 for the 2006 fiscal year, \$20,000,000 for the 2007 fiscal year, shall be appropriated to the education trust fund established in RSA 198:39 for the purpose of providing targeted education grants to school districts. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. Targeted education grants made under this section shall be distributed in accordance with RSA 198:42.

15 School Boards, Teachers; Definitions Amended. RSA 189:1-d is repealed and reenacted to read as follows:

189:1-d Definitions. In this chapter:

I. "Attendance" means full-time participation in a program of instruction under the direction of a teacher employed by the school district. Educationally disabled home educated pupils educated at school district expense under the direction of a teacher employed by the school district shall be included.

II. "Membership" means pupils of whom attendance is expected, whether a pupil is present or absent on any given day.

III. "Average daily membership in attendance" means the aggregate half-day membership of pupils attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance for preschool and kindergarten pupils shall be divided by the number of instructional days offered to higher level elementary grades.

IV. "Average daily membership in residence" means the average daily membership in attendance of pupils who are legal residents of the school district pursuant to RSA 193:12 or RSA 193:27, IV and are attending any public school, or who are attending any charter school or private school program approved by the department of education at the expense of the school district.

16 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.]~~

17 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a pre-existing district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same or which is assumed by the cooperative school district. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.]~~

18 Effective Date.



- I. Section 2 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2004.
- II. Section 3 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2005.
- III. Section 4 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2006.
- IV. Section 5 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2007.
- V. Section 6 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2008.
- VI. Section 7 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2009.
- VII. RSA 76:3 as inserted by section 8 of this act shall take effect July 1, 2009.
- VIII. RSA 198:38, VII(e) as inserted by section 9 of this act shall take effect July 1, 2005.
- IX. The remainder of this act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill:

- I. Provides that the calculation of the statewide cost of an adequate education shall be indexed to the northeast regional consumer price index for all urban consumers for the 4 immediately preceding calendar years.
- II. Reduces the education property tax rate from \$5.80 to \$4.92 for the 2004 fiscal year, and thereafter further reduces the rate by 20 cents per fiscal year through the 2009 fiscal year.
- III. Beginning July 1, 2009, requires that the commissioner of the department of revenue administration set the education property tax rate by calculating the percentage change in the total valuation of all developed land in the state, assessed at 100 percent of fair market value, and adjusting the rate in the immediately preceding fiscal year in inverse proportion to such rate.
- IV. Changes the payment for transportation costs to include 100 percent of the total cost of transporting pupils in kindergarten through grade 8 to and from school.
- V. Changes the definition of average daily membership in residence for the purpose of calculating state aid for educational adequacy.
- VI. Implements a weighting formula for counting home educated pupils.
- VII. Provides that beginning July 1, 2003 and every fiscal year thereafter, targeted education grants shall be made to municipalities.
- Reps. Hager and Burling spoke against.
- Reps. Kurk, Mock and Rogers Johnson spoke in favor.
- Rep. Burling requested a roll call; sufficiently seconded.
- The question being adoption of the majority amendment.

**YEAS 215 NAYS 153**

### YEAS 215

#### BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Holbrook, Robert	Laffam, Robert	Lawton, David
Nedeau, Stephen	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Royce, H Charles	Smith, Edwin	

**COOS**

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Alger, John  
Gilman, G Michael  
Sorg, Gregory

Dorsett, Andrew  
Giuda, Robert

Dudley, Terri  
Ingbretson, Paul

Eaton, Stephanie  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Cail, Kenneth  
Cernota, Albert  
Crane, Elenore Casey  
Fletcher, Richard  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Souza, Kathleen  
Wheeler, James

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Carlson, Donald  
Chabot, Robert  
Desmarais, Vivian  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
Hunter, Bruce  
Laflamme, Charles  
Luebker, Bernard  
Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Stepanek, Stephen  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Christiansen, Lars  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr  
Mooney, Maureen  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Carter, Mark  
Coughlin, Pamela  
Fields, Dennis  
Gibson, John  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
Kurk, Neal  
Lawrence, James  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Slocum, Lee  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Foley, Albert  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Daniels, Eric  
Hess, David  
Langer, Ray  
Maxfield, Roy

Dunne, Christopher  
Kenison, Leon  
Leber, William  
Nutter, Edward

Field, William  
Kennedy, Richard  
MacKay, James  
Oliver, James

**ROCKINGHAM**

Allen, Mary  
Carson, Sharon  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

Belanger, Ronald  
Clark, Vivian  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Cady, Harriet  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Itse, Daniel  
Kelley, Jane  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Winchell, George

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Twombly, James

Campbell, W Packy  
Hollinger, Jeffrey  
Woods, Phyllis

Cataldo, Sam  
Musler, George

Easson, Timothy  
Scott, David

**SULLIVAN**

Jones, Constance

Leone, Richard

Rodeschin, Beverly

**NAYS 153  
BELKNAP**

Pilliod, James

**CARROLL**

None

**CHESHIRE**

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Espieffs, Peter

Manning, Joseph

Meader, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Diamond, Estelle

Gionet, Edmond

Ham, Bonnie

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

Williams, Burton

**HILLSBOROUGH**

Allan, Nelson

Baroody, Benjamin

Bergin, Peter

Brassard, Paul

Buckley, Raymond

Buhlman, David

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Dionne, Kimberley

Dokmo, Cynthia

Drisko, Richard

Elliott, Larry

Ford, Nancy

Gorman, Mary

Haley, Robert

Holden, Randolph

Irwin, Anne-Marie

Jean, Claudette

Johnson, Lionel

Katsiantonis, Thomas

Konys, Christine

Kopka, Angeline

Kudalis, Debra

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Malloy, Chris

McHugh, Claire

Messier, Irene

Movsesian, Lori

O'Brien, Lori

Pappas, Christopher

Pilotte, Maurice

Ross, Lawrence

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

**MERRIMACK**

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Colcord, J D

Currier, David

Davis, Frank

DeJoice, John

DeStefano, Stephen

Fraser, Leo Jr

French, Barbara

Gile, Mary

Hager, Elizabeth

Hamm, Christine

Jacobson, Alf

Lockwood, Priscilla

McCormick, Tom

Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn

Casey, Kimberley

Coes, Betsy

Cooney, Richard

Corbin, Corey

Davidson, Robert

DiFruscia, Anthony

Gould, Kenneth

Hughes, Daniel

Johnson, Robert

Langone, John

McEachern, Paul

Norelli, Terie

Pitts, Jacqueline

Robertson, Carl

Shultis, Elizabeth

Splaine, James

Vallone, Matthew

**STRAFFORD**

Bemis, Alan

Berube, Roger

Bickford, David

Brown, Julie

Callaghan, Frank

Creteau, Irene

Dunlap, Patricia

Grassie, Anne

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William  
Rous, Emma  
Spang, Judith

Newton, Clifford  
Schmidt, Peter  
Taylor, Kathleen

Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Rollo, Deanna  
Snyder, Clair

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Phinizy, James

Cloutier, John  
Franklin, Peter

Donovan, Thomas  
Harris, Joseph

and the majority amendment was adopted.

Rep. Hager offered a floor amendment (1127h).

### Floor Amendment (1127h)

Amend the title of the bill by replacing it with the following:

AN ACT reducing the education property tax rate.

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax; Fiscal Year 2004 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$5.80]~~  
**\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

2 Education Property Tax; Fiscal Year 2005 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$4.92]~~  
**\$4.72** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

3 Education Property Tax; Fiscal Year 2006 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$4.72]~~  
**\$4.52** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

4 Education Property Tax; Fiscal Year 2007 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$4.52]~~  
**\$4.32** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

5 Education Property Tax; Fiscal Year 2008 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$4.32]~~  
**\$4.12** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

6 Education Property Tax; Fiscal Year 2009 Rate Reduced. Amend RSA 76:3 to read as follows:  
76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$4.12]~~  
**\$3.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

#### 7 Effective Date.

I. Section 1 of this act shall take effect and shall apply to education property taxes due for the  
tax year beginning April 1, 2004.

II. Section 2 of this act shall take effect and shall apply to education property taxes due for the  
tax year beginning April 1, 2005.

III. Section 3 of this act shall take effect and shall apply to education property taxes due for  
the tax year beginning April 1, 2006.

IV. Section 4 of this act shall take effect and shall apply to education property taxes due for  
the tax year beginning April 1, 2007.

V. Section 5 of this act shall take effect and shall apply to education property taxes due for the  
tax year beginning April 1, 2008.

VI. The remainder of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2009.

### AMENDED ANALYSIS

This bill reduces the education property tax rate to \$4.92 for fiscal year 2004, and thereafter reduces the fiscal year 2004 rate by an additional 20 cents per fiscal year through fiscal year 2009. Reps. Hager and Burling spoke in favor.

Rep. Hess spoke against and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1127h).

### YEAS 151 NAYS 218

#### YEAS 151

#### BELKNAP

Pilliod, James

#### CARROLL

None

#### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Dunn, James  
Meader, David  
Pratt, John  
Tilton, Anna

Eaton, Daniel  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

#### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

#### GRAFTON

Akins, Ralph  
Cooney, Mary  
Hammond, Lee  
Solomon, Peter

Almy, Susan  
Densmore, Edward  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Ham, Bonnie  
Sokol, Hilda

#### HILLSBOROUGH

Allan, Nelson  
Buckley, Raymond  
Cote, Peter  
Drisko, Richard  
Haley, Robert  
Jean, Claudette  
Kopka, Angeline  
Lefebvre, Roland  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

Baroody, Benjamin  
Clayton, William  
Craig, James  
Ford, Nancy  
Holden, Randolph  
Johnson, Lionel  
Kudalis, Debra  
Malloy, Chris  
O'Brien, Lori  
Shaw, Barbara  
Sweeney, Cynthia

Bergin, Peter  
Clemons, Jane  
Dionne, Kimberley  
Gargasz, Carolyn  
Hunter, Bruce  
Katsiantonis, Thomas  
Lasky, Bette  
McHugh, Claire  
Pappas, Christopher  
Spiess, Paul  
Vaillancourt, Steve

Brassard, Paul  
Cote, David  
Dokmo, Cynthia  
Gorman, Mary  
Irwin, Anne-Marie  
Kony, Christine  
Leach, Edward  
Messier, Irene  
Pilotte, Maurice  
Sullivan, Francis

#### MERRIMACK

Blanchard, Elizabeth  
Colcord, J D  
DeStefano, Stephen  
Hager, Elizabeth  
MacKay, James  
Rush, Deanna

Bouchard, Candace  
Daniels, Eric  
Fraser, Leo Jr  
Hamm, Christine  
Ouellette, Robert  
Wallner, Mary Jane

Brueggemann, Donald  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Perkins, Randy

Clarke, Claire  
DeJoice, John  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances

#### ROCKINGHAM

Blanchard, MaryAnn  
Davidson, Robert

Casey, Kimberley  
DiFruscia, Anthony

Coes, Betsy  
Gould, Kenneth

Corbin, Corey  
Johnson, Robert

Kelley, Jane  
Pitts, Jacqueline  
Vallone, Matthew

Langone, John  
Robertson, Carl

McEachern, Paul  
Shultis, Elizabeth

Norelli, Terie  
Splaine, James

### STRAFFORD

Bemis, Alan  
Callaghan, Frank  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Kathleen

Berube, Roger  
Creteau, Irene  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Dunlap, Patricia  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Rous, Emma  
Spang, Judith

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinizy, James

### NAYS 218

### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Whalley, Michael

Boyce, Laurie  
Laflam, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Thomas, John

### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

### CHESHIRE

Dexter, Judson  
Liebl, George

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

### COOS

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

### GRAFTON

Alger, John  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Sorg, Gregory

Dudley, Terri  
Giuda, Robert

Eaton, Stephanie  
Ingbreton, Paul

### HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Carter, Mark  
Coughlin, Pamela  
Emerton, Larry  
Gibson, John  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
L'Heureux, Robert  
Lessard, Rudy

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Cernota, Albert  
Crane, Elenore Casey  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Hopper, Gary  
Laflamme, Charles  
Luebker, Bernard

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert  
Desmarais, Vivian  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Elliott, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Kurk, Neal  
Lawrence, James  
McRae, Karen

Mercer, Robert  
Mosher, William  
Price, Pamela  
Slocum, Lee  
Tate, Joan

Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, James

Mooney, Maureen  
Pappas, Marc  
Ross, Lawrence  
Stepanek, Stephen  
Wheeler, Robert

Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Tahir, Saghir

### MERRIMACK

Anderson, Eric  
Foley, Albert  
L'Heureux, Stephen  
Maxfield, Roy  
Reed, Dennis

Currier, David  
Hess, David  
Langer, Ray  
McCormick, Tom

Dunne, Christopher  
Kenison, Leon  
Leber, William  
Nutter, Edward

Field, William  
Kennedy, Richard  
Marple, Richard  
Oliver, James

### ROCKINGHAM

Allen, Mary  
Carson, Sharon  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Tufts, J Arthur  
Welch, David  
Winchell, George

Belanger, Ronald  
Clark, Vivian  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Itse, Daniel  
Kobel, Rudolph  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

Cady, Harriet  
Cooney, Richard  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Camm, Kevin  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Scott, David

Campbell, W Packy  
Hollinger, Jeffrey  
Twombly, James

Cataldo, Sam  
Musler, George  
Woods, Phyllis

Easson, Timothy  
Newton, Clifford

### SULLIVAN

Rodeschin, Beverly  
and floor amendment (1127h) failed.  
Rep. Weyler offered a floor amendment (1227h).

#### Floor Amendment (1227h)

Amend RSA 198:45-a, III as inserted by section 14 of the bill by replacing it with the following:

III. The sum of \$5,000,000 for the 2005 fiscal year shall be appropriated to the education trust fund established in RSA 198:39 for the purpose of providing targeted education grants to school districts. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend section 18 of the bill by replacing all after paragraph VIII with the following:

IX. Section 14 of this act shall take effect July 1, 2004.

X. The remainder of this act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill:

I. Provides that the calculation of the statewide cost of an adequate education shall be indexed to the northeast regional consumer price index for all urban consumers for the 4 immediately preceding calendar years.

II. Reduces the education property tax rate from \$5.80 to \$4.92 for the 2004 fiscal year, and thereafter further reduces the rate by 20 cents per fiscal year through the 2009 fiscal year.

III. Beginning July 1, 2009, requires that the commissioner of the department of revenue administration set the education property tax rate by calculating the percentage change in the total valuation of all developed land in the state, assessed at 100 percent of fair market value, and adjusting the rate in the immediately preceding fiscal year in inverse proportion to such rate.

IV. Changes the payment for transportation costs to include 100 percent of the total cost of transporting pupils in kindergarten through grade 8 to and from school.

V. Changes the definition of average daily membership in residence for the purpose of calculating state aid for educational adequacy.

VI. Implements a weighting formula for counting home educated pupils.

VII. Provides that \$5,000,000 in targeted education grants shall be made to municipalities for the 2005 fiscal year.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. Weyler requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1227h).

**YEAS 76 NAYS 289**

**YEAS 76  
BELKNAP**

Boyce, Laurie	Clark, Charles	Laflam, Robert	Lawton, David
Rice, Thomas			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Kenney, Bettie
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**CHESHIRE**

Fish, Douglas	Laurent, John
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**COOS**

Brady, Mark

**GRAFTON**

Ingbreton, Paul	Maybeck, Margie	Williams, Burton
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**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Barry, J Gail
Bergeron, Jean-Guy	Buhlman, David	Carter, Mark	Cernota, Albert
Christiansen, Lars	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hinkle, Peyton	Holden, Randolph	L'Heureux, Robert	Luebker, Bernard
McElroy, Henry Jr	McHugh, Claire	McRae, Karen	Mosher, William
Ober, Russell III	Slocum, Lee	Souza, Kathleen	Wheeler, James

**MERRIMACK**

Field, William	Foley, Albert	Kennedy, Richard	Marple, Richard
McCormick, Tom	Oliver, James	Quellette, Robert	

**ROCKINGHAM**

Allen, Mary	Cady, Harriet	Camm, Kevin	Clark, Vivian
DiFruscia, Anthony	Dodge, Robert	Dupuis, Roland	Fesh, Bob
Flayhan, Mary Lou	Hughes, Daniel	Itse, Daniel	McKinney, Betsy
Morris, Richard	Noyes, Richard	Putnam, Ed II	Quandt, Matthew
Ruffner, Walter	Varrell, Thomas	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

**STRAFFORD**

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Harrington, Michael
Hollinger, Jeffrey	Newton, Clifford	Scott, David	Twombly, James



**SULLIVAN**

None

**NAYS 289****BELKNAP**

Ahern, Omer Jr  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Pilliod, James  
Whalley, Michael

Fitzgerald, James  
Russell, David

Holbrook, Robert  
Thomas, John

**CARROLL**

Derby, Mark  
Mock, Henry  
Stevens, Stanley

Hatch, Paul  
Olimpio, J Lisbeth

McConkey, Mark  
Patten, Betsey

Merrrow, Harry  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Eaton, Daniel  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Webber, Amy

Batchelder, Robert  
Espieffs, Peter  
Meador, David  
Pratt, John  
Slack, Pamela  
Weed, Charles

Dexter, Judson  
Hunt, John  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Dunn, James  
Liebl, George  
Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

**COOS**

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Dorsett, Andrew  
Gionet, Edmond  
Nordgren, Sharon  
Sorg, Gregory

Alger, John  
Cooney, Mary  
Dudley, Terri  
Giuda, Robert  
Scovner, Nancy

Almy, Susan  
Densmore, Edward  
Eaton, Stephanie  
Ham, Bonnie  
Sokol, Hilda

Benn, Bernard  
Diamond, Estelle  
Gilman, G Michael  
Hammond, Lee  
Solomon, Peter

**HILLSBOROUGH**

Arnold, Thomas Jr  
Batula, Peter  
Brassard, Paul  
Cail, Kenneth  
Clayton, William  
Coughlin, Pamela  
Dionne, Kimberley  
Emerton, Larry  
Furman, Christine  
Graham, John  
Hallyburton, Margaret  
Hopper, Gary  
Jean, Claudette  
Kopka, Angeline  
Lasky, Bette  
Lessard, Rudy  
Milligan, Robert  
Pappas, Christopher  
Price, Pamela  
Schulze, Joan  
Sullivan, Francis  
Vaillancourt, Steve

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Gargas, Carolyn  
Greenberg, Gary  
Hansen, Ryan  
Hunter, Bruce  
Johnson, Lionel  
Kurk, Neal  
Lawrence, James  
Malloy, Chris  
Moran, Edward  
Pappas, Marc  
Reeves, Sandra  
Shaw, Barbara  
Sullivan, Peter  
Wheeler, Robert

Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Carter, Jeffrey  
Cote, David  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gorman, Mary  
Haley, Robert  
Hawkins, Ken  
Irwin, Anne-Marie  
Katsiantonis, Thomas  
Laflamme, Charles  
Leach, Edward  
Mercer, Robert  
Movsesian, Lori  
Pepino, Leo  
Ross, Lawrence  
Spiess, Paul  
Sweeney, Cynthia

Baroody, Benjamin  
Bouchard, David  
Buckley, Raymond  
Chabot, Robert  
Cote, Peter  
Desmarais, Vivian  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jasper, Shawn  
Konys, Christine  
LaFlamme, Paul  
Lefebvre, Roland  
Messier, Irene  
O'Brien, Lori  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Clarke, Claire

Blanchard, Elizabeth  
Colcord, J D

Bouchard, Candace  
Currier, David

Brueggemann, Donald  
Daniels, Eric

Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
MacKay, James  
Potter, Frances

DeJoie, John  
French, Barbara  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Reed, Dennis

DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Nutter, Edward  
Rush, Deanna

Dunne, Christopher  
Hager, Elizabeth  
Kenison, Leon  
Lockwood, Priscilla  
Perkins, Randy  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Coes, Betsy  
Davidson, Robert  
Dumaine, Dudley  
Gilbert, Karl  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
O'Neil, Michael  
Rausch, James  
Shultis, Elizabeth  
Stone, Joseph  
Waterhouse, Kevin

Blanchard, MaryAnn  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McEachern, Paul  
Packard, Sherman  
Robertson, Carl  
Smith, Donald  
Stritch, C Donald  
Weare, E Albert

Carson, Sharon  
Corbin, Corey  
Doyle, Christopher  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Pitts, Jacqueline  
Roessner, Kurt  
Smith, Paul  
Tufts, J Arthur  
Welch, David

Casey, Kimberley  
Dalrymple, Janeen  
Duffy, James  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
Manning, John  
Norelli, Terie  
Priestley, Anne  
Scamman, Stella  
Splaine, James  
Vallone, Matthew  
Winchell, George

### STRAFFORD

Bemis, Alan  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Berube, Roger  
Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Spang, Judith  
Woods, Phyllis

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Musler, George  
Schmidt, Peter  
Taylor, Kathleen

Brown, Julie  
Easson, Timothy  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinized, James

and floor amendment (1227h) failed.  
The question now being adoption of the committee report.  
Rep. Jacobson spoke against.  
Rep. Francoeur spoke in favor.  
Rep. Burling requested a roll call; sufficiently seconded.  
The question being adoption of the majority report.

**YEAS 217 NAYS 146**

### YEAS 217

#### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Thomas, John

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Laffam, Robert  
Rice, Thomas  
Whalley, Michael

Clark, Charles  
Lawton, David  
Russell, David

### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Stevens, Stanley

**CHESHIRE**

Dexter, Judson  
Royce, H Charles

Fish, Douglas  
Smith, Edwin

Hunt, John

Liebl, George

**COOS**

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Alger, John  
Gilman, G Michael  
Sorg, Gregory

Dorsett, Andrew  
Giuda, Robert

Dudley, Terri  
Ingbreton, Paul

Eaton, Stephanie  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Cernota, Albert  
Crane, Elenore Casey  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Hunter, Bruce  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Souza, Kathleen  
Wheeler, James

Allen, Timothy  
Barry, J Gail  
Bergin, Peter  
Buhlman, David  
Chabot, Robert  
Desmarais, Vivian  
Fields, Dennis  
Gibson, John  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr  
Messier, Irene  
Ober, Russell III  
Reeves, Sandra  
Spiess, Paul  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Cail, Kenneth  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Holden, Randolph  
Kurk, Neal  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Artz, Lawrence  
Beaton, William  
Brundige, Robert  
Carter, Jeffrey  
Coughlin, Pamela  
Drisko, Richard  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Slocum, Lee  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Kenison, Leon  
MacKay, James  
Oliver, James

Colcord, J D  
Field, William  
Kennedy, Richard  
Marple, Richard  
Ouellette, Robert

Currier, David  
Foley, Albert  
L'Heureux, Stephen  
Maxfield, Roy

Daniels, Eric  
Hess, David  
Leber, William  
Nutter, Edward

**ROCKINGHAM**

Allen, Mary  
Carson, Sharon  
Dodge, Robert  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McCann, Richard  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Belanger, Ronald  
Clark, Vivian  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Welch, David  
Winchell, George

Cady, Harriet  
Dalrymple, Janeen  
Duffy, James  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Paul  
Varrell, Thomas  
Weldy, Norman Jr

Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Johnson, Robert  
Kelley, Jane  
Manning, John  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Twombly, James

Campbell, W Packy  
Hollinger, Jeffrey  
Woods, Phyllis

Cataldo, Sam  
Musler, George

Easson, Timothy  
Scott, David

**SULLIVAN**

Jones, Constance

Leone, Richard

Rodeschin, Beverly

**NAYS 146****BELKNAP**

None

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Batchelder, Robert  
Laurent, John  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Dunn, James  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Eaton, Daniel  
Meador, David  
Pratt, John  
Tilton, Anna

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Ham, Bonnie  
Sokol, Hilda

Almy, Susan  
Densmore, Edward  
Hammond, Lee  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon  
Williams, Burton

Bleyler, Ruth  
Gionet, Edmond  
Scovner, Nancy

**HILLSBOROUGH**

Allan, Nelson  
Carlson, Donald  
Cote, David  
Elliott, Larry  
Irwin, Anne-Marie  
Konys, Christine  
Malloy, Chris  
Pilotte, Maurice  
Sullivan, Francis

Baroody, Benjamin  
Carter, Mark  
Cote, Peter  
Ford, Nancy  
Jean, Claudette  
Kopka, Angeline  
Movsesian, Lori  
Ross, Lawrence  
Sullivan, Peter

Brassard, Paul  
Clayton, William  
Craig, James  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
O'Brien, Lori  
Schulze, Joan  
Sweeney, Cynthia

Buckley, Raymond  
Clemons, Jane  
Dionne, Kimberley  
Haley, Robert  
Katsiantonis, Thomas  
Leach, Edward  
Pappas, Christopher  
Shaw, Barbara  
Vaillancourt, Steve

**MERRIMACK**

Blanchard, Elizabeth  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Wallner, Mary Jane

Bouchard, Candace  
DeJoie, John  
Gile, Mary  
Langer, Ray  
Potter, Frances

Brueggemann, Donald  
DeStefano, Stephen  
Hager, Elizabeth  
Lockwood, Priscilla  
Reed, Dennis

Clarke, Claire  
Fraser, Leo Jr  
Hamm, Christine  
McCormick, Tom  
Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
Corbin, Corey  
Hughes, Daniel  
Norelli, Terie  
Splaine, James

Casey, Kimberley  
Davidson, Robert  
Langley, Jane  
Pitts, Jacqueline  
Vallone, Matthew

Coes, Betsy  
DiFruscia, Anthony  
Langone, John  
Robertson, Carl  
Zolla, William

Cooney, Richard  
Gould, Kenneth  
McEachern, Paul  
Shultis, Elizabeth

**STRAFFORD**

Berube, Roger  
Creteau, Irene  
Johnson, Nancy

Bickford, David  
Dunlap, Patricia  
Kaen, Naida

Brown, Julie  
Grassie, Anne  
Keans, Sandra

Callaghan, Frank  
Hofemann, Roland  
Knowles, William

Newton, Clifford  
Schmidt, Peter  
Taylor, Kathleen

Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Rous, Emma  
Spang, Judith

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Phinizy, James

Cloutier, John  
Franklin, Peter

Donovan, Thomas  
Harris, Joseph

and the majority report was adopted.

Ordered to third reading.

### MOTION TO PRINT REMARKS

Rep. Marjorie Smith moved that the debate on HB 608 be printed in the Permanent Journal.

Motion failed.

### REGULAR CALENDAR (CONT'D.)

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill came to the Finance Committee in order to confirm its fiscal impact. The Finance Committee agrees with the Ways and Means Committee that the continuation of the telecommunications service tax and the companion wooden poles and conduits exemption is important to the state revenue system. Vote 21-2.

On a division vote, 231 members having voted in the affirmative and 124 in the negative, the report was adopted.

Ordered to third reading.

**HB 717-FN-L**, relative to targeted aid to education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: This legislation promotes educational quality by preserving local control and primacy of local funding for public elementary and secondary education. It promotes budgetary efficiency by targeting aid to communities most in need. It assists communities in local planning by providing an adequate transition period and stability of state aid grants. It utilizes existing financial resources within the education trust fund without the need for a state property tax. It awards grants based on the differences between a community's education need and its fiscal capacity as determined by household income, as well as equalized property values. The formula goes beyond the current system by taking into account such factors as additional costs associated with students with limited English proficiency, variations in the cost of living around New Hampshire and the high costs of providing education in very small towns. It eliminates the state-wide property tax and becomes effective July 1, 2005. Vote 15-7.

### Amendment (1115h)

Amend RSA 198:41-a, I (c) (1) as inserted by section 2 of the bill by replacing it with the following:

(1) A municipality's total weighted pupils shall mean the number of its elementary school pupils, including kindergarten pupils, plus 1.1 times the number of its high school pupils, plus the number of its special education pupils, plus the number of its pupils eligible to receive free or reduced price lunch, plus the number of its pupils with limited proficiency in the English language, plus the number of its scale pupils. For the purposes of this calculation, "eligible to receive free or reduced price lunch" shall mean the percentage of a municipality's eligible elementary school pupils multiplied by the total of its elementary and high school pupils.

Amend RSA 198:41-a, I (e) as inserted by section 2 of the bill by replacing it with the following:

(e) Fiscal capacity shall mean the sum of the municipality's equalized property valuation as determined by the department of revenue administration as of April 1, 2001, excluding property subject to taxation under RSA 83-F, plus the municipality's total household income, divided by 2. The result shall then be multiplied by 0.01923. Total household income shall mean the municipality's median household income multiplied by the number of its households, as determined by the 2000 United States census.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 2005.

Adopted.

Rep. King spoke in favor.

Rep. Jeffrey Gilbert spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill provides for the addition of a new position of Deputy Chief Harbor Master at labor grade 21 and benefits at 37%. This is in response to both the increased business volume and the additional responsibility which springs from homeland protection. Fees for services will cover the additional cost. Vote 21-0.

Adopted and ordered to third reading.

**HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: Skyhaven is a state-owned airport. Current statute provides for a transfer of ownership in June, 2003. This legislation would extend that date to June, 2006. During that time, approvals for wetlands mitigation and a new airport layout plan should be secured, providing for a major expansion of flight activity and increasing the long term viability of the airport. In the interim, revenues are expected to equal expenditures, resulting in no net cost to the state. Vote 21-0.

Adopted and ordered to third reading.

**HB 728-FN-A**, establishing a dedicated fund for organic certification inspections. **OUGHT TO PASS**

Rep. Frederick W. King for Finance: This legislation allows organic food processors and handlers to be certified by the New Hampshire Department of Agriculture. At the present time, the department only inspects and certifies organic food producers. The cost of this program will be paid 100% by user fees. Vote 20-0.

Adopted and ordered to third reading.

**HB 735-FN**, relative to prescription drugs and medicaid best practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: The policy intent of this bill is to provide prescription drug coverage to a segment of disabled and senior citizens who are under 120% of poverty and have assets under \$2,500. This category (of approximately 2,000 people) currently gets some assistance on their Medicare premiums (part A and part B). The corrected fiscal note is \$3.2 million, half of which would come from general funds. While the committee believes it important to assist these very needy individuals, it was felt that under the current economic climate it is not possible to fund the program. The committee did put \$1 in each line and allowed for acceptance of gifts or grants. There is also a section directing the Department of Health and Human Services to effect cost savings through disease management, and another section establishing a task force to study prescription drug access for all segments of our population. Vote 21-2.

**Amendment (1106h)**

Amend the bill by replacing section 1 with the following:

I New Chapter; Medicaid Rx Senior Eligibility Expansion Program. Amend RSA by inserting after chapter 161-J the following new chapter:

**CHAPTER 161-K**

**MEDICAID Rx SENIOR ELIGIBILITY EXPANSION PROGRAM**

161-K:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of health and human services.
- II. "Department" means the department of health and human services.
- III. "Division" means the division of elderly and adult services, department of health and human services.
- IV. "Qualified medicare beneficiaries" means medicare beneficiaries with incomes equal to or below 100 percent of the federal poverty level who are eligible for Medicaid assistance for the part A and part B medicare premiums and for medicare deductibles and co-insurance requirements as set forth in section 1905(p)(1) of Title XIX of the Social Security Act.
- V. "Specified low-income medicare beneficiaries" means medicare beneficiaries who have incomes greater than 100 percent of the federal poverty level and less than and equal to 120 percent of the federal poverty level and meet the requirements set forth in section 1902(a)(10)(E)(iii) of Title 19 of the Social Security Act.

## 161-K:2 Medicaid Rx Senior Eligibility Expansion Program Established.

I. There is hereby established the Medicaid Rx senior eligibility expansion program. To be eligible for the program, an individual shall:

(a) Be a U.S. citizen or a lawfully admitted alien;

(b) Be a state resident;

(c) Be at least 65 years of age or an individual between the ages of 19 and 64 who is otherwise eligible for benefits under Title II of the Social Security Act (Federal Old Age, Survivors, and Disability Insurance);

(d) Meet the definition of a qualified medicare beneficiary or a specified low-income medicare beneficiary as set forth in subparagraph (c); and

(e) Be ineligible for and/or not receiving a prescription drug benefit through a medicare supplemental policy or any other third party payer prescription benefit.

II. Individuals eligible for the Medicaid Rx senior eligibility expansion program shall be entitled to the Medicaid prescription drug coverage as provided to Medicaid recipients as set forth in Title XIX of the Social Security Act.

III. Individuals eligible for the program established under this chapter shall be provided a benefit of not more than \$2,000 per year and shall be subject to a \$5 copayment per prescription.

## 161-K:3 Administration.

I. The Medicaid Rx senior eligibility expansion program shall be administered by the division. The department shall apply for a federal Medicare 1115 demonstration waiver from the Secretary of Health and Human Services to expand Medicaid eligibility for the purposes of prescription drug coverage to qualified medicare beneficiaries and specified low-income medicare beneficiaries under the Medicaid Rx senior eligibility expansion program.

II. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program.

III. The commissioner shall make an annual report beginning one year after the effective date of this chapter to the general court relative to the effectiveness of the Medicaid Rx senior disability eligibility program.

Amend the bill by replacing all after section 7 with the following:

8 Funding for Medicaid Rx Service Eligibility Expansion Program: New PAU. Amend HB 1-A of the 2003 legislative session by inserting after PAU 05-01-10-03-12 the following new PAU:

05 Health and Social Services

01 Dept of Health and Human Services

10 Div of Elderly & Adult Svcs

03 Grants to Locals

13 Rx Senior Eligibility Expansion Program

	FY 2004	FY 2005
090 Rx Senior Program	\$3	\$3
Estimated Source of Funds for Program		
00 Federal Funds	\$1	\$1
09 Gifts & Grants	\$1	\$1
General Fund	\$1	\$1

9 Prospective Repeal. The following are repealed:

I. RSA 161-K:1 – 161-K:3, relative to the Medicaid Rx senior eligibility expansion program.

II. Section 7 of this act.

10 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. Section 8 of this act shall take effect at 11:59 p.m. on the day before a federal prescription drug plan takes effect.

III. The remainder of this act shall take effect July 1, 2003.

## AMENDED ANALYSIS

This bill requires the department of health and human services to establish the Medicaid Rx senior eligibility expansion program. The bill establishes a new PAU in the 2003 operating budget for the purposes of funding such program.

This bill requires the department of health and human services to encourage health plans and health care systems participating in the medicaid program to use case management incorporating evidence-based practice guidelines.

The bill also establishes a 3-year task force to study increasing access to prescription drug medicines. Adopted.

Report adopted and ordered to third reading.

**HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: After a detailed and well presented discussion, it was decided to pass the bill with \$1.00 each year of the biennium to keep the basis of the bill in process with the hope funds can be found to pay for a new executive director for the state conservation committee. Vote 20-1.

**Amendment (0951h)**

Amend RSA 432:11-a, I as inserted by section 3 of the bill by replacing it with the following:

I. There shall be an executive director of the state conservation committee who shall be an unclassified employee and shall be compensated as provided in RSA 94:1-a. The executive director shall serve a 3-year term and shall be appointed by the state conservation committee.

Amend the bill by replacing sections 4 and 5 with the following:

4 Salary; Executive Director of State Conservation Committee. Amend RSA 94:1-a, I(b) by inserting in grade DD the following:

DD	Department of Agriculture, Markets and Food	executive director of the state conservation committee
----	--	---

5 Appropriation; State Conservation Committee. The sum of \$1 for the fiscal year ending June 30, 2004 and the sum of \$1 for the fiscal year ending June 30, 2005, are hereby appropriated to the state conservation committee for the purposes of salaries and benefits, office administration, and district assistance. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**AMENDED ANALYSIS**

This bill makes a change in the language of the state conservation committee, creates a new unclassified position of executive director of the state conservation committee, establishes a salary for the position, and makes an appropriation for certain expenses of the committee.

Adopted.

Report adopted and ordered to third reading.

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill, as amended, reduces the appropriation to \$1.00, but makes no other changes. The bill widens use of existing surface water filtration funds to include interconnections when/if money becomes available as the need for filtration declines. Vote 19-0.

**Amendment (0952h)**

Amend the bill by replacing section 17 with the following:

17 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2004 and the sum of \$1 for the fiscal year ending June 30, 2005, for the purpose of providing grants for regional water system projects under RSA 486-A. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: The original concept of school construction aid encouraged school districts to form cooperatives by increasing the percentage of state aid from 30% of principle for a single town district, 40% for two towns, and an additional 5% for each additional town



for a maximum of 55%. As a result, most towns have some arrangement with multi-town districts. The existing formula does not, however, look at a district's ability to pay. Anecdotally, we have heard of poor districts that could not even include a gymnasium, while affluent districts might include towering atriums and covered tennis courts. This bill not only offers an alternative cost sharing, where even a single town district can be funded at the 60% level, but it also includes standards in building size and site. Most states limit the number of square feet per student that they will pay for, and the number of acres relative to the number and type of school (i.e. elementary, middle, high). It is estimated that by placing a limit on what the state funds, more will be available for the most financially stressed schools. The result will be approximately the same amount of school construction aid as is delivered at present. Vote 17-3.

Adopted and ordered to third reading.

### **HB 788-FN-A, transferring the duties of the health services planning and review board. OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill, as it came from the policy committee, repealed the Health Services Planning and Review Board (CON) structure and reduced regulations of outpatient renovations. The bill reduces government regulations, encourages competition and protects small hospitals from competition in surgery services. The Finance Committee amended the bill to make some technical corrections, clarified language adding ambulatory surgery centers to those paying fees, and moved the responsibility for review to the Department of Health and Human Services. The Finance Committee also increased the budget \$200,000 so that new federal money now eligible with the move to the Department of Health and Human Services could be spent on needed health data collection and analysis. This total appropriation comes from non-general fund dollars, being raised by fees assessed to certain health care facilities and matching dollars from the federal government. Vote 15-7.

#### **Amendment (0959h)**

Amend the bill by replacing all after the enacting clause with the following:

I Certificate of Review. RSA 151-C is repealed and reenacted to read as follows:

#### **CHAPTER 151-C**

#### **CERTIFICATE OF REVIEW OF PROPOSED**

#### **NEW INSTITUTIONAL HEALTH SERVICES**

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. It is declared to be the public policy of this state that:

I. The general welfare and protection of the lives, health, and property of the people of this state require that all new inpatient institutional health services be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating collaboration among providers, including hospitals, ambulatory surgery centers, physicians, and others, and payors, including Medicaid, Medicare, private health insurers, and CHAMPUS, in the health care delivery system as a means of managing the increases in health care costs.

151-C:2 Definitions. In this chapter:

I. "Ambulatory surgical facility" means a health care facility or a portion of a health care facility which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of review.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Business day" includes any day, Monday through Friday, except legal holidays.

V. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VI. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12-month period before the time such services would be offered.

VII. "Certificate of review" means a certificate issued by the state agency approving the offering or development of a proposed new inpatient institutional health service.

VIII. "Confidential commercial information" means any information filed either by a health care facility in an application for certificate of review or data disclosure under RSA 126:25 that contains either a trade secret or other commercial information:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party; (ii) other persons or entities with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) That would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

IX. "Confidential financial information" means any financial information filed by a health care facility in accordance with an application for certificate of review or data disclosure under RSA 126:25:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the health care facility; (ii) other persons or entities with which the health care facility is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the health care facility has applied for financing;

(b) That would, if revealed, substantially, predictably, and adversely affect the ability of the health care facility or its affiliated interests to obtain financing on reasonable terms in competition with others seeking similar types of capital; and

(c) That could lawfully be concealed under applicable laws governing financial transactions.

X. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization which adds inpatient beds or is with the intent to add a new inpatient institutional service.

XI. "Consumer of health care" means a person who is not a provider of health care.

XII. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XIII. "Days" means calendar days, unless otherwise specified.

XIV. "Department" means the department of health and human services.

XV. "Health care facility" means hospitals, ambulatory surgical facilities, specialty hospitals and nursing homes. Health care facilities shall include facilities which are publicly or privately owned or for-profit or not-for-profit, and which are licensed or required to be licensed in whole or in part by the state.

XVI. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVII. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XVIII. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XIX. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his or her own home.

XX. "Hospital" means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XXI. "Inpatient services" means all care delivered to patients staying more than 24 hours in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

XXII. "Institutional health service" means any proposed project for which a standard must be developed under RSA 151-C:5, II.

XXIII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and office.

XXIV. "Location" means service area.

XXV. "Major new facilities" means the construction, development, or other establishment of a new inpatient health care facility.

XXVI. "Nursing home or facility" means a place which shall provide, for 2 or more persons, basic domiciliary services (office, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVII. "To offer", when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay in excess of 24 hours from time of admission in a health care facility.

XXIX. "Person" means an individual, trust, state, partnership, committee, corporation, non-profit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXXI. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing office of an entity described in subparagraph (c)(2) or (c)(4).

XXXII. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Review" means the review of applications submitted in response to a request for application published by the department.

XXXVI. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVII. "Standard" means a health policy guideline developed by the department and instituted under the provisions of RSA 541-A.

151-C:3 Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to an inpatient health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

#### 151-C:4 Prohibitions.

I. No new inpatient institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new inpatient institutional health service be made, except pursuant to obtaining a certificate of review for such service.

II. No certificate of review shall be granted by the department unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

III.(a) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, 2003, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

(b) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.

IV. Any applications for certificates of review for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

V. The department shall apply the revised standard of review to any suspended pending applications.

151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the department shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for applications (RFA's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the department shall publish a revised description thereof, as provided in this paragraph.

II. The department shall develop standards for new inpatient institutional health services. These include the following:

(a) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(b) The development and offering of new inpatient services;

(c) A threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The department shall determine by rule the service areas of such hospitals.

III. The department shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of all the standards and public hearings relative to the standards. The department shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department must notify, in writing, the person making the request of the commencement of the 120-day standard review process or that the proposed project is not in accordance with RSA 151-C:5, II, and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

(e) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

II. In the case of a service for which there is no standard, any person may request, in writing, that the department develop a standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department shall notify, in writing, the person making the request of the commencement of the 120-day standard development process or that the service is not in accordance with RSA 151-C:5, II, and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the department shall be considered a final decision.

(f) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

III. In any standards for nursing facilities, the department shall provide that priority for a certificate of review for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of review for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of review.

151-C:7 Criteria. Every standard developed by the department shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, persons with a disability and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Review.

I. If a standard developed through RSA 151-C:5 or 151-C:6 indicates a need for additional health services, the department shall issue a request for applications. The department shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the department is requesting applications for certificates of review for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The department shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall contain such information as the department adopts by rule. The department shall not require any information which it has not adopted by rule. The information requirements established by the department may vary according to the purpose of the review or the type of health service being reviewed. In addition to the information required for submission to the department, any applicant may submit, and the department shall duly consider, any other information.

V.(a) The department shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the department, it shall notify the applicant by certified mail within 15 business days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the department within the 15 business days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The department shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the department shall mail the ap-

plicant a notification within 10 business days of receipt of the additional information. If no such notification is mailed to the applicant by the department within the 10 business days' period, the application shall be considered complete. Within 5 business days of the receipt of any information submitted pursuant to the second completeness notice, the department shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by certified mail, within 5 business days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the department notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The department shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 10 business days of completion of the completeness review under paragraph V of this section, the department shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The department shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun and the proposed schedule for review by the department.

(b) For purposes of this paragraph, "affected persons" include organizations of health care providers and organizations of health care consumers, as defined by the department by rules adopted pursuant to RSA 541-A, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons shall be by mail and notification to members of the public shall be by newspaper. Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.

(c) If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the department, defeat any jurisdiction of the department, or adversely affect the regularity of any proceedings before the department.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the department.

VIII. The department shall establish review schedules which provide that no review by the department shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the department. In accordance with the requirements of RSA 151-C:11, the department shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the department may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90-day period. The total review period for certificate of review shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the department shall provide for access by the general public to all applications reviewed by the department and to all other written materials pertinent to department review.

X. The department shall provide in its review procedures for a public hearing. The department shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed project, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The department shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of review, the department shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the department, the applicant may file a request to amend the application only during the 45 days after the date of notification of the beginning of review. If the department grants the applicant's request, the application shall be filed 30 days after the department's approval. The department shall examine the amended application for form and completeness, for information required in RSA 151-C:7, and for conformity to all applicable standards in the request for applications. If an application is determined incomplete, the department shall notify the applicant by certified mail within 10 business days of receipt of the amended application. The applicant whose application is incomplete shall be allowed a maximum of 10 business days from the date of receipt of the department's notification of incompleteness to provide the required additional information. The amended application shall then be considered complete and processed in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the department, an applicant shall be required by the department to file an amendment of the application when any supporting documentation or other material submitted to the department by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The department may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with subparagraph (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the department or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the department to be competing.

151-C:9 Decision Regarding Certificate of Review; Issuance of Certificate of Review; Reconsideration.

I. Upon completion of the review, the department shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of review shall be in conformance with the standard used as the basis for the request for application.

II. The department shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. If the department fails to issue a final decision within the time period specified for the review, a certificate of review shall be denied. The applicant may either request a reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the department to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the department. The department shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of review, shall be good cause if it:

(1) Presents significant, relevant information not previously considered by the department;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the department in reaching its decision;

(3) Demonstrates that the department has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the department determines constitutes good cause.



(b) To be effective, a request for a reconsideration hearing shall be received by the department within 20 business days following the date of the department's decision. If granted, the hearing shall commence within 30 calendar days of receipt of the request. The applicant may waive the 30-day requirement. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 25 business days after the conclusion of the hearing, the department shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the department.

#### 151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of review, if aggrieved or dissatisfied with the decision of the department, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the department is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the department unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

#### 151-C:11 Additional Rules.

I. The commissioner of the department shall adopt rules governing review of certificate of review applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control.

II. At least 45 days prior to adopting any rule, the department shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of review applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notice section of such newspapers; in addition, notice may be given through other public information channels.

#### 151-C:12 Validity of Certificates of Review; Compliance; Sanctions.

I. A certificate of review issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The department's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of review under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been commenced or completed within such period, the department's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:

(a) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$ 1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of review.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of review.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the department may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the project, the department shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the project, the department shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The applicant has submitted to the department a certified copy of a written agreement executed between the applicant and a registered general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications; or

(b) The applicant has submitted evidence to the department that there has been construction work on the project to justify and require a progress payment by the applicant to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved proposed project is sufficiently complete so that it becomes operational for the purpose for which the certificate of review was issued. A certificate of review shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of review granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

IV-a.(a) Prior to completion of the proposed project, the department may require any applicant to file a change of scope when any documentation or other material submitted to the department indicates that:

(1) The nature, scope, or location of the project will differ substantially in the opinion of the department from those described in the application.

(2) The method of financing will differ substantially because the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(b) The department may waive the requirements of subparagraph (a)(1), (2) or (3), if it is determined that the proposed change in scope of the project is technical or otherwise insignificant.

V. All applicants receiving a certificate of review or a certificate of review with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of review. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in its certificate of review application or with the conditions of the certificate of review shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this section shall be deposited in the general fund.  
151-C:13 Exemptions.

1. The following are excluded from this chapter:

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis.

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours.

(c) Infirmaries owned or operated by education institutions.

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination.

(e) Facilities and services which are intended to serve only outpatients.

(f) Hospice houses.

II. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.

## 151-C:14 Enforcement.

I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of review as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of review issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of review, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the department or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the department, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

## 151-C:15 Fees.

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

IV. Funds collected under this section shall be deposited in the general fund.

2 Transfer of Functions, Powers, Duties and Staff. All functions, powers, duties and staff of the health services planning and review board are hereby transferred to the department of health and human services.

3 Reference Change. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers[~~including ambulatory care facilities,~~] licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the [~~health services planning and review board established by RSA 151-C:3~~] *department of health and human services*. This plan shall be [~~submitted to the commissioner of health and human services by December 1, 1990~~] *completed by December 31, 2003*.

4 Data Review; Reference Change. Amend RSA 126:26 to read as follows:

126:26 Data Review. [~~The department of health and human services shall provide access, without restriction, to the data collected under RSA 126:25 to the health services planning and review board~~]. The department shall prepare a report on or before November 15, [~~1996~~] *2004*, and [~~annually~~] thereafter, to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, *an inventory of the existing health care system capacity*

*and the projection of future system needs*, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The department of health and human services is also authorized to prepare periodic reports on ~~[price]~~ **health care cost** and utilization of health services for the purpose of encouraging competition.

5 Reference Change. Amend RSA 195-D:3, XII to read as follows:

XII. "Nursing home," notwithstanding any other provision of law to the contrary, means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire, and in whole or in part is, or shall be upon completion, (a) licensed as a residential care facility under RSA 151:2, I(e) or (b) can be upon receipt of a certificate of ~~[need]~~ **review** under RSA 151-C licensed as a nursing home under the laws of New Hampshire.

6 Reference Changes. Amend RSA 281-A:2, XII-b to read as follows:

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, ~~[XVII]~~ **XVII**, health care facilities as defined in RSA 151-C:2, ~~[XV-a]~~ **XV**, and health maintenance organizations as defined in RSA 151-C:2, XVI.

7 Reference Changes. Amend the introductory paragraph of RSA 326-B:17, IX(a) to read as follows:

(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, ~~[XIX-b]~~ **XIX** and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of health and human services who:

8 Reference Change. Amend RSA 508:18, II to read as follows:

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, ~~[XV-a]~~ **XV**.

9 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary. Adopted.

Report adopted and ordered to third reading.

**HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill has passed both the Resources, Recreation and Development Committee and the Ways and Means Committee. It increases fees in order to fund 2 new positions and ensure more timely processing of applications for excavating, dredging and alteration of terrain. The additional fees, which are estimated to be \$150,000 in FY '04, are sufficient to cover the additional expenses, which are estimated to be \$131,000 in FY '04. A broad consensus of many interests, such as the New Hampshire Marine Dealers, the Granite State Designers and Installers Association, the NH Association of General Contractors and the NH Association of Conservation Commissioners, support this bill. The amendment changes the effective date to July 1, 2003 in order to allow fees to accumulate before expenses are incurred. Vote 21-1.

#### Amendment (1052h)

Amend paragraph II of section 8 of the bill by replacing it with the following:

II. The remainder of this act shall take effect July 1, 2003.

Adopted.

Report adopted and ordered to third reading.

#### BILLS REMOVED FROM CONSENT CALENDAR

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill ensures that no state or local funds will be spent to pay for complying with the requirements of the federal No Child Left Behind Act of 2001 (NCLB). In NCLB, the federal government promises to fully fund its costs. In addition, individual school districts may, by vote, exempt themselves from any state regulations implementing the provisions of such federal laws. Vote 18-1.

Rep. Alger offered a floor amendment (1094h).

### **Floor Amendment (1094h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The federal No Child Left Behind Act (NCLBA) of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with other federal laws, NCLBA was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 and section 9527 of NCLBA which curb the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the NCLBA and that school districts also prohibited from such expenditures.

2 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision: Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001 (NCLBA).

II. A school district or other political subdivision may, upon a majority vote of its legislative body, be exempt from all state administrative rules or regulations of any kind, adopted for the purpose of implementing NCLBA if the cost of compliance with such rules or regulations is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with NCLBA until 60 days after the submission of a written report detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing NCLBA shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

3 New Paragraph: Adequate Public Education; Statewide Testing. Amend RSA 193-E:3 by inserting after paragraph II the following new paragraph:

III. The results of any statewide testing required under the No Child Left Behind Act of 2001 shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

4 Report. No later than January 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act of 2001 in the immediately prior fiscal year, and the sources of funding used for such expenses.

5 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

6 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill:

1. Prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001 (NCLBA).

II. Allows school districts to exempt themselves from compliance with NCLBA by a majority vote of the legislative body if the cost of compliance is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. Directs the department of education to ensure that no costs associated with NCLBA shall be included in the calculation of the cost of an adequate education.

IV. Requires the department of education to submit a financial report for expenditures and sources of funding to the house and senate education and finance committees on an annual basis.

Rep. Alger spoke in favor.

On a division vote, 310 members having voted in the affirmative and 36 in the negative, floor amendment (1094h) was adopted.

Report adopted and ordered to third reading.

#### **SB 14, relative to vacancies in county offices. OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Gillick for Municipal and County Government: The committee reviewed this bill and is in agreement that the county delegation is the appropriate body to fill a vacancy at the county level. Because of a vacancy situation which currently exists in at least one county, the committee agreed to amend the effective date. In addition, the committee acted to enable Belknap County Recreation Area Commission to be authorized to accept a major gift by amendment to this bill. Vote 14-1.

#### **Amendment (0858h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to vacancies in county offices and the powers of the Belknap County Recreation Area Commission.

Amend the bill by replacing section 3 with the following:

3 Belknap County Recreation Area; Powers of the Commission. Amend 1959, 399:10(m) to read as follows:

(m) *To solicit, receive, hold, and expend any gifts, grants, or donations from any source made for any purpose set forth in this act.*

(n) To do all other lawful acts necessary or incidental to the foregoing powers.

4 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill provides that the members of the county convention shall fill vacancies in county offices.

The bill also allows the Belknap County Recreation Area Commission to receive and expend certain funds.

Adopted.

Rep. Pitts inquired if the bill was divisible and requested that Section 3 be divided.

The Speaker ruled the bill was divisible and, without objection, so ordered.

The question being adoption of Section 3 of the bill.

Adopted.

The question now being adoption of the remainder of the bill.

Rep. Pitts spoke against.

Rep. Patten spoke in favor.

Remainder of report adopted.

Ordered to third reading.

#### **RECONSIDERATION**

Having voted with the prevailing side, Rep. Gonzalez moved that the House reconsider its action whereby it voted **HB 621-FN-A-L**, establishing an early childhood literacy program, Ought to Pass as Amended.

Rep. Norelli requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

**YEAS 161 NAYS 190**

**YEAS 161**

**BELKNAP**

Ahern, Omer Jr  
Laflam, Robert

Bartlett, Gordon  
Lawton, David

Boyce, Laurie  
Nedeau, Stephen

Clark, Charles  
Wendelboe, Fran

**CARROLL**

Babson, David Jr	Derby, Mark	Kenney, Bettie	Morrow, Harry
Mock, Henry			

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Laurent, John
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**COOS**

Brady, Mark	Guay, Lawrence	Pratt, Leighton	Richardson, Herbert
Stohl, Eric			

**GRAFTON**

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingretson, Paul
Maybeck, Margie	Sorg, Gregory	Williams, Burton	

**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Cernota, Albert	Chabot, Robert	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Elliott, Larry	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Greenberg, Gary	Hall, Charles	Harrington, Paul
Hawkins, Ken	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Jasper, Shawn	L'Heureux, Robert	Laflamme, Charles	Lawrence, James
Luebker, Bernard	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mosher, William	O'Brien, Lori	Ober, Russell III	Pepino, Leo
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		

**MERRIMACK**

Dunne, Christopher	Field, William	Foley, Albert	Hess, David
Kennedy, Richard	Langer, Ray	Marple, Richard	McCormick, Tom
Nutter, Edward	Oliver, James	Ouellette, Robert	Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Cady, Harriet	Camm, Kevin
Clark, Vivian	Cooney, Richard	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Gilbert, Jeffrey	Gilbert, Karl	Griffin, Mary
Headd, James	Hughes, Daniel	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Manning, John	McCann, Richard	McKinney, Betsy
McMahon, Charles	Morris, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Matthew	Roessner, Kurt
Smith, Donald	Smith, Paul	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Rodeschin, Beverly

### NAYS 190 BELKNAP

Fitzgerald, James	Holbrook, Robert	Pilliod, James	Rice, Thomas
Russell, David	Thomas, John	Whalley, Michael	

### CARROLL

Brown, Carolyn	Dickinson, Howard	Hatch, Paul	McConkey, Mark
Olympic, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

### CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Hunt, John	Liebl, George	Manning, Joseph
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Royce, H Charles	Slack, Pamela
Smith, Edwin	Tilton, Anna	Webber, Amy	Weed, Charles

### COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Theberge, Robert
Tholl, John Jr	Woodward, David		

### GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Ham, Bonnie
Hammond, Lee	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter			

### HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Brassard, Paul	Buckley, Raymond
Carter, Mark	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fields, Dennis	Gargas, Carolyn
Gorman, Mary	Goulet, Maurice	Graham, John	Haley, Robert
Hallyburton, Margaret	Haytayan, Harry Jr	Jean, Claudette	Johnson, Lionel
Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Leach, Edward	Lessard, Rudy	Malloy, Chris
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movesian, Lori	Pappas, Christopher	Pappas, Marc	Pilotte, Maurice
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Wheeler, Robert	

### MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Bueggemann, Donald
Clarke, Claire	Colcord, J D	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hamm, Christine	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

### ROCKINGHAM

Carson, Sharon	Casey, Kimberley	Coes, Betsy	Corbin, Corey
Dalrymple, Janeen	Davidson, Robert	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Francoeur, Sheila	Gillick, Thomas	Gleason, John
Gould, Kenneth	Hamel, Albert	Holland, James Jr	Johnson, Robert
Katsakiores, George	Langone, John	Major, Norman	McEachern, Paul
Norelli, Terie	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Vallone, Matthew	Winchell, George



**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Musler, George	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinzy, James

and reconsideration failed.

**SENATE MESSAGE****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 101**, relative to qualifications for state offices. (Amendment printed SJ 4/10/03)

Rep. Stritch moved that the House concur and spoke to his motion.

Adopted.

**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 17, 2003 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 109-FN**, relative to telemarketing practices.

**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

**HB 590-FN**, relative to highway fund budget reporting requirements.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery.

**HB 677-FN**, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system.

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing.

**HB 25-FN-A**, making appropriations for capital improvements.

**HB 135-FN-L**, relative to charter schools.

**HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies.

**HB 167**, relative to complaints against judges.

**HB 280-FN**, relative to the poison information center.

**HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

**HB 519-FN-A**, relative to the conservation number plate trust fund.

**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor.

**HB 621-FN-A-L**, establishing an early childhood literacy program.

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan.

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants.

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

**HB 717-FN-L**, relative to targeted aid to education.

**HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority.

**HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan.

**HB 728-FN-A**, establishing a dedicated fund for organic certification inspections.

**HB 735-FN**, relative to prescription drugs and medicaid best practices.

**HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefore.

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

**HB 788-FN-A**, transferring the duties of the health services planning and review board.

**HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor.

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

**SB 14**, relative to vacancies in county offices.

### UNANIMOUS CONSENT

Rep. Stephanie Eaton addressed the House.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:45 p.m.

### RECESS

(Speaker Chandler in the Chair)

### SENATE MESSAGE

### CONCURRENCE WITH AMENDMENT

**SB 14**, relative to vacancies in county offices, and the powers of the Belknap County Recreation Area Commission.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 14.

Rep. Currier, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Batula in the Chair)

### SENATE MESSAGES

### CONCURRENCES

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone.

**HB 86**, relative to the membership of the permissible fireworks review committee.

**HB 126**, relative to posting statutes at polling places.

**HB 156**, relative to weights and measures.

**HB 223**, relative to the temporary removal of inmates.

**HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

**HB 305**, relative to time allowed for voting.

**HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

**HB 469**, relative to areas of the state for hunting by crossbow.

**HB 498**, relative to 20-day vehicle registrations.

**HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

**HB 833-L**, relative to Shaker Road and Bay Hill Road in the town of Northfield.

## NONCONCURRENCE

**HB 275**, establishing a committee to study ballot reform

## RESOLUTION

Rep. Pilliod offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 23, 35, 42, 54, 58, 63, 70, 78, 80, 95, 96, 101, 107, 114, 116, 119, 131, 132, 136, 138, 148, 159, 168, 184, 190, 193, 221 and 222, and Senate Concurrent Resolution 4 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS and SCR

### First, second reading and referral

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Executive Departments and Administration)

**SB 35**, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works. (Public Works and Highways)

**SB 42**, relative to charitable contributions by insurance agents. (Commerce)

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes. (Municipal and County Government)

**SB 58-FN-A**, relative to the net operating loss under the business profits tax. (Ways and Means)

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. (Ways and Means)

**SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan. (Resources, Recreation and Development)

**SB 78-FN**, establishing the New Hampshire health care information council. (Health, Human Services and Elderly Affairs)

**SB 80**, relative to vocational education and the automotive technology curriculum. (Education)

**SB 95-FN-L**, relative to the development of workforce housing within municipalities. (Municipal and County Government)

**SB 96-FN**, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 101-FN**, relative to unemployment compensation. (Labor, Industrial and Rehabilitative Services)

**SB 107-FN-A-L**, establishing a statewide education accountability system. (Education)

**SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. (Education)

**SB 116**, establishing a committee to study methods to prevent or reduce the high school dropout rate. (Education)

**SB 119**, relative to medical and hospital liability insurance. (Judiciary)

**SB 131**, establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured. (Commerce)

**SB 132-FN-A**, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor. (Education)

**SB 136**, relative to liability for hazardous materials accidents. (Environment and Agriculture)

**SB 138-FN**, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs. (Ways and Means)

**SB 148-FN**, relative to the regulation of water treatment equipment installers by the plumber's board. (Executive Departments and Administration)

**SB 159-FN**, relative to milfoil and other exotic aquatic weeds. (Transportation)

**SB 168**, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. (Judiciary)

**SB 184**, relative to reinsurance. (Commerce)

**SB 190**, relative to community living facilities. (Health, Human Services and Elderly Affairs)

**SB 193**, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles. (Legislative Administration)

**SB 221-FN**, relative to the offense of obstructing government administration by the use of simulated legal process. (Criminal Justice and Public Safety)

**SB 222-FN-A**, relative to motor vehicle fees. (Transportation)

**SCR 4**, a resolution urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air Act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality. (Science, Technology and Energy)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Thursday, April 17, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate and ever-watchful Creator of all, we give thanks for the gifts of freedom that we share as citizens of the United States and of our beloved New Hampshire. Protect and defend those who protect and defend us, especially those who serve in places that take them far from their family and community. Today we ask Your healing grace to be with all especially the weak, elderly and the young who have suffered injury in Iraq's liberation. Bring peace and new hope quickly to all the troubled areas of Your world.

Bless and support the work of this so-called unruly and mercurial, yet honorable House. May the decisions today be made for the true benefit of each citizen, and be worthy of the sacrifice of many, who make these decisions a witness to true democracy.

As always, we ask for Your protective hand to be upon those who serve in law enforcement, emergency medical services, and in the fire service as they protect and defend our homes, our lives and our communities. Amen.

Members of the New Hampshire Army National Guard, Sergeant First Class Stephen Dymant, Sergeant First Class Daniel Morrisette, Sergeant Paul Kiley and Officer Candidate Eric Barricklow, posted the Colors.

Rep. Maureen Mooney led the Pledge of Allegiance.

The National Anthem and "God Bless the USA" were sung by Tyler Griffin, a 5<sup>th</sup> grade student from Peter Woodbury School in Bedford.

### LEAVES OF ABSENCE

Reps. Julie Brown, Flanagan, Laflam, Langley, Miller, Seldin and Paul Smith, the day, illness.

Reps. Barker, Duffy, Itse, Robert L'Heureux, Malloy, John Manning, Naro, O'Neil, Edwin Smith and Kathleen Taylor, the day, important business.

### INTRODUCTION OF GUESTS

Benjamin Schaefer, Bow High School student and Garret Desjardins, Concord High School student, Pages for the day.

Jennifer Dorsett and James Peabody, wife and father-in-law of Rep. Dorsett. Patrick and Sally Griffin, parents of Tyler Griffin, guests of the Speaker. 4<sup>th</sup> grade class from St. Anthony's School, guests of the Manchester delegation. Todd Selig, guest of the Durham delegation. The Honorable Merle Schotanus, guest of Rep. Hager. Sheila Ross, guest of the Coos County delegation. Trevor Chandler, guest of Rep. Ouellette.

### INTRODUCTION OF SPECIAL GUESTS

Merrimack High School Boys' Basketball Team, 2003 Class L State Champions, guests of the Merrimack delegation.

### SPECIAL GUESTS OF THE HOUSE

Members of the 2003 Hockey East Champions, University of New Hampshire Wildcats Men's Hockey Team: Steve Saviano, Josh Prudden, Mick Mounsey, Robbie Barker, Mike Ayers, Assistant Head Coach Dave Lassone and Head Coach Dick Umilie. The Speaker presented a declaration to Coach Umilie, who addressed the House.

### ENROLLED BILL AMENDMENTS

Amendment (1313-EBA)

**HB 61**, relative to the taking of migratory game birds in the Connecticut River zone.

Amend RSA 209:5-a, I as inserted by section 1 of the bill by replacing it with the following:

I. A person holding a Vermont resident hunting license which allows the taking of migratory waterfowl and coots, may take migratory game birds, as provided in RSA 209:5, except woodcock and snipe, from the Connecticut River zone, provided the state of Vermont grants the same right to a person holding a New Hampshire resident hunting license and waterfowl stamp which allows the taking of migratory game birds in the Connecticut River zone in Vermont pursuant to Vt. Stat. Ann. tit. 10, sec. 4909.

Adopted.

#### **Amendment (1281-EBA)**

**HB 126**, relative to posting statutes at polling places.

Amend RSA 658:29 as inserted by section 1 of the bill by replacing line 9 with the following:  
*appropriate official if the voter believes that his or her voting rights are being violated*

Adopted.

#### **Amendment (1292-EBA)**

**HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

Amend RSA 651:6, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. If authorized by paragraph I or II, and if notice of the possible application of this section Amend RSA 651:6, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a  
Adopted.

#### **Amendment (1310-EBA)**

**HB 469**, relative to areas of the state for hunting by crossbow.

Amend RSA 208:3, V as inserted by section 2 of the bill by replacing it with the following:

V. STRAFFORD COUNTY: Durham; Lee; Madbury; Dover; Rollinsford; Somersworth  
Adopted.

#### **Amendment (1272-EBA)**

**HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans.

Amend the second paragraph after the title of the resolution by replacing line 1 with the following:

Whereas, Congress has authorized an increase in the medication copayment from \$2 to \$7 and applied it to each

Adopted.

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 69, 76, 91, 99, 128, 233, 246, 260, 270 and 271.

Rep. Currier, Sen. D'Allesandro for the Committee

### **SENATE MESSAGE**

#### **REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 151**, authorizing the county convention to contract and fund performance audits of county departments. (Amendments printed SJ 4/10/03)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 24**, relative to license revocations for DWI offenders under the age of 21. **OUGHT TO PASS**  
Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is an amendment to RSA 265:82-b that clarifies that a mandatory one-year license revocation applies to certain DWI offenses where the offense occurred while the offender was under the age of 21. Vote 14-0.

**SB 22**, amending the duties of the public higher education study committee. **OUGHT TO PASS**  
Rep. James T. Dunn for Education: The testimony in favor of this bill was compelling and concise. This bill adds the duty of studying student activities on college campuses to the Legislative Oversight Committee, which will benefit the communities and the colleges. Vote 13-0.

**SB 26**, removing the penalty against teachers who fail to keep registers. **OUGHT TO PASS**  
Rep. Richard C. Leone for Education: This bill removes the \$20.00 penalty against teachers who file pupil registers late with the local school board. This task is currently done by the administrative staff and the penalty against teachers is no longer appropriate. Vote 13-0.

**SB 51-FN**, relative to membership on the New England Board of Higher Education. **OUGHT TO PASS**  
Rep. Arthur Tufts for Education: The testimony presented to the committee indicated that the university system is well represented by the chancellor of the university and colleges, on the NEBHE. The university and college presidents are well served by the chancellor being on the board. The second change adds the membership of the executive director of the post secondary education commission, which will add NH's technical colleges to the NEBHE's services. Vote 13-0.

**SB 68**, authorizing electronic certification of educational credentials. **OUGHT TO PASS**  
Rep. Deanna P. Rush for Education: This bill permits a teacher applying for certification to submit either a written or electronic application. The bill further authorizes the State Board of Education to adopt rules that affect the electronic certification of educational credentials, such as the e-signature. This legislation was requested by the NH Department of Education. Vote 13-0.

**SB 170**, relative to Public Service of New Hampshire. **OUGHT TO PASS**  
Rep. Roy D. Maxfield for Science, Technology and Energy: This bill amends RSA 374-F, Electric Utility Restructuring. It restricts Public Service Company from selling generation assets prior to April 30, 2006 unless the Public Utilities Commission (PUC) finds the sale of these assets to be in the economic interest of retail customers. Securing these existing coal fired plants in Bow and Newington and using their electric generation for New Hampshire PSNH customers will save rate payers between 70 and 100 million dollars per year based on current market costs. The legislature amended the 1996 electric utility restructuring law two years ago to allow for a 30-month retention of these generating assets. Unstable wholesale energy prices and the California energy crisis prompted our action to control our generation costs at that time. A provision was also added that gave the PUC oversight of these generators and their associated operating costs. The 18% rate reduction obtained in the restructuring settlement agreement includes approximately 3.5 cents per kilowatt for stranded costs. Part 1 of the stranded costs is for restructuring bonds and will be eliminated by 2012. Part 2 of the stranded costs is for existing wood and other high costs energy contracts and will be eliminated in 2006. The legislature will be in better position by 2006 to assess the sale of PSNH generation assets once these part 2 costs, estimated to be 1.5 cents per kilowatt, are eliminated. Finally, the bill requires the legislative electric oversight committee to review and recommend legislation to address transition and default service prior to April 30, 2006. This additional time will allow the committee to evaluate electric generation costs in the region and decide which options are in the best interests for New Hampshire PSNH customers. Vote 12-0.

**SCR 3**, urging maintenance of funding for the Low Income Home Energy Assistance Program. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This resolution urges an increase and continuation of federal funding of the low-income home energy assistance program. It recommends extending authorization through 2008, increasing the authorization level to 3.4 billion, and allows states to draw down funds prior to the winter heating season to take advantage of discount programs. Vote 13-0.

## REGULAR CALENDAR

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This is the state's budget for the next two fiscal years. The committee amendment represents the core needs for the functioning of state government. It covers our traditional state services (general government, criminal justice and public safety, environmental

protection and resource development, transportation and highway improvement, health and human services, post-secondary and higher education) and our obligation to provide the opportunity for an adequate primary and secondary public education.

As our responsibilities have increased, the budget has increased. To meet our responsibilities, the committee amendment appropriates \$8.975 billion in total funds and \$2.703 billion in general funds for the biennium, an increase of 15.0% and 10.8 %, respectively, compared to the prior biennium.

Some highlights of the committee amendment: 1) Funding for the developmentally disabled has increased and includes \$3 million each year to reduce the waiting list. 2) Aid to cities and towns has increased, and state fiscal problems have not been “downshifted.” 3) LCHIP is funded at the governor’s recommended level of \$4 million in each year. 4) The Goffstown women’s prison will remain open. 5) Additional funding to deal with the nursing shortage has been provided in the form of additional program assistance and scholarships.

The committee amendment fulfills its obligation under House rules to present a budget that is balanced within Ways and Means’ revenue estimates without the need for an increase in taxes. It is a “live within your means” budget. Vote 17-4.

**Amendment (1268h)**

This amendment was printed in its entirety in House Record No. 33, April 11, 2003 and is made part of the Journal by reference.

Rep. Kurk spoke in favor and yielded to questions.

Rep. McEachern requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

**YEAS 326 NAYS 47**

**YEAS 326**

**BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
Kennedy, Bettie	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

**CHESHIRE**

Batchelder, Robert	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Slack, Pamela		

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Ingbretonson, Paul
Maybeck, Margie	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	



**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Cote, Peter
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hagan, Barbara
Haley, Robert	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Hunter, Bruce	Infantine, William	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Kerns, J Edward
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Kurk, Neal
Laflamme, Charles	Lawrence, James	Leach, Edward	Lefebvre, Roland
Lessard, Rudy	Luebker, Bernard	McDonough-Wallace, Alice	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mooney, Maureen	Moran, Edward	Mosher, William
O'Brien, Lori	Pappas, Christopher	Pappas, Marc	Pepino, Leo
Pilote, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Spieß, Paul	Stepanek, Stephen	Sullivan, Francis
Sullivan, Jeffrey	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, Robert			

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Daniels, Eric	Davis, Frank
DeStefano, Stephen	Dunne, Christopher	Field, William	Foley, Albert
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Osborne, Jessie	Ouellette, Robert	Perkins, Randy	Reed, Dennis
Rush, Deanna	Soltani, Tony	Wallner, Mary Jane	

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Blanchard, MaryAnn
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	Davidson, Robert	Dearborn, Bruce
Dodge, Robert	Doyle, Christopher	Dumaine, Dudley	Dupuis, Roland
Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langone, John	Letourneau, Robert
Major, Norman	McCann, Richard	McKinney, Betsy	McMahon, Charles
Morris, Richard	Norelli, Terie	Noyes, Richard	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Rausch, James	Roessner, Kurt	Ruffner, Walter	Scamman, Stella
Shultis, Elizabeth	Smith, Donald	Stone, Joseph	Stritch, C Donald

Tufts, J Arthur  
Welch, David  
Winchell, George

Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

Waterhouse, Kevin  
Weyler, Kenneth

Weare, E Albert  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Dunlap, Patricia  
Hollinger, Jeffrey  
Newton, Clifford  
Smith, Marjorie  
Wall, Janet

Bemis, Alan  
Campbell, W Packy  
Easson, Timothy  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Woods, Phyllis

Berube, Roger  
Cataldo, Sam  
Grassie, Anne  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Bickford, David  
Creteau, Irene  
Harrington, Michael  
Musler, George  
Scott, David  
Twombly, James

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
Leone, Richard

Cloutier, John  
Rodeschin, Beverly

Flint, Gordon Sr

### NAYS 47

### BELKNAP

Dewhirst, Glenn

### CARROLL

Dickinson, Howard

Mock, Henry

### CHESHIRE

Allen, Peter  
Weed, Charles

Pratt, John

Tilton, Anna

Webber, Amy

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Clemons, Jane  
Hawkins, Ken  
Movesian, Lori  
Sweeney, Cynthia

Cote, David  
Irwin, Anne-Marie  
Palangas, Eric  
Wheeler, James

Craig, James  
LaFlamme, Paul  
Schulze, Joan

Gorman, Mary  
Lasky, Bette  
Sullivan, Peter

### MERRIMACK

DeJoie, John  
Owen, Derek

Hamm, Christine  
Potter, Frances

Jacobson, Alf

Lockwood, Priscilla

### ROCKINGHAM

McEachern, Paul  
Vallone, Matthew

Quandt, Matthew

Robertson, Carl

Splaine, James

### STRAFFORD

Heon, Richard  
Pelletier, Arthur

Hofemann, Roland  
Rous, Emma

Johnson, Nancy  
Spang, Judith

Keans, Sandra  
Vachon, Dennis

### SULLIVAN

Donovan, Thomas  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

Franklin, Peter

Harris, Joseph

and the committee amendment was adopted.

Rep. Hager offered floor amendment (1267h).

### Committee Floor Amendment (1267h)

This amendment was printed in its entirety in House Record No. 33, April 11, 2003 and is made part of the Journal by reference.

Reps. Rogers Johnson and Wendelboe spoke against and yielded to questions.

Rep. Emerton spoke in favor and yielded to questions.

Reps. Spiess and Hager spoke in favor.

Rep. Easson requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1267h).

**YEAS 168 NAYS 212****YEAS 168  
BELKNAP**

Holbrook, Robert

Pilliod, James

**CARROLL**

Olimpio, J Lisbeth

Philbrick, Donald

**CHESHIRE**

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Espiefs, Peter

Fish, Douglas

Manning, Joseph

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

**COOS**

King, Frederick

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

**GRAFTON**

Akens, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Gionet, Edmond

Ham, Bonnie

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

**HILLSBOROUGH**

Arnold, Thomas Jr

Balcom, John

Baroody, Benjamin

Bergin, Peter

Brassard, Paul

Buckley, Raymond

Carlson, Donald

Carter, Mark

Clayton, William

Cote, Peter

Craig, James

Dionne, Kimberley

Dokmo, Cynthia

Drisko, Richard

Emerton, Larry

Ford, Nancy

Gargas, Carolyn

Graham, John

Haley, Robert

Hallyburton, Margaret

Haytayan, Harry Jr

Irwin, Anne-Marie

Jean, Claudette

Johnson, Lionel

Katsiantonis, Thomas

Kony, Christine

Kopka, Angeline

Kudalis, Debra

Lasky, Bette

Leach, Edward

Lefebvre, Roland

McDonough-Wallace, Alice

Messier, Irene

Movsesian, Lori

O'Brien, Lori

Palangas, Eric

Pappas, Christopher

Pilotte, Maurice

Ross, Lawrence

Shaw, Barbara

Spiess, Paul

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

**MERRIMACK**

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Colcord, J D

Daniels, Eric

Davis, Frank

DeJoie, John

DeStefano, Stephen

French, Barbara

Gile, Mary

Hager, Elizabeth

Hamm, Christine

Jacobson, Alf

Kenison, Leon

Langer, Ray

Leber, William

Lockwood, Priscilla

MacKay, James

Osborne, Jessie

Owen, Derek

Perkins, Randy

Potter, Frances

Reardon, Tara

Reed, Dennis

Rush, Deanna

Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn

Casey, Kimberley

Coes, Betsy

Cooney, Richard

Corbin, Corey

Davidson, Robert

DiFruscia, Anthony

Dodge, Robert

Gleason, John

Gould, Kenneth

Johnson, Robert

Kelley, Jane

Langone, John

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Robertson, Carl

Shultis, Elizabeth

Stone, Joseph

Tufts, J Arthur

Vallone, Matthew

Winchell, George

Zolla, William

**STRAFFORD**

Berube, Roger

Bickford, David

Callaghan, Frank

Creteau, Irene

Dunlap, Patricia

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Keans, Sandra  
Rous, Emma  
Spang, Judith

Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Allison, David  
Ferland, Brenda  
Jones, Constance

Burling, Peter  
Flint, Gordon Sr  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizz, James

Donovan, Thomas  
Harris, Sandra

## SULLIVAN

## NAYS 212

## BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Lawton, David  
Thomas, John

Allen, Janet  
Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

Bartlett, Gordon  
Fitzgerald, James  
Rice, Thomas  
Whalley, Michael

Boyce, Laurie  
Flanders, Donald  
Russell, David

## CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Stevens, Stanley

Dickinson, Howard  
Morrow, Harry

## CHESHIRE

Dexter, Judson  
Royce, H Charles

Hunt, John

Laurent, John

Liebl, George

## COOS

Brady, Mark  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Richardson, Herbert

Stohl, Eric

## GRAFTON

Alger, John  
Gilman, G Michael  
Sorg, Gregory

Dorsett, Andrew  
Giuda, Robert  
Williams, Burton

Dudley, Terri  
Ingbretson, Paul

Eaton, Stephanie  
Maybeck, Margie

## HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Chabot, Robert  
Cote, David  
Elliott, Larry  
Gibson, John  
Goyette, Peter Jr  
Hansen, Ryan  
Holden, Randolph  
Jasper, Shawn  
LaFlamme, Paul  
McElroy, Henry Jr  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Tate, Joan

Allan, Nelson  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Christensen, D L Chris  
Coughlin, Pamela  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Hopper, Gary  
Kerns, J Edward  
Lawrence, James  
McHugh, Claire  
Mooney, Maureen  
Pepino, Leo  
Scanlon, Michael  
Stepanek, Stephen  
Vaillancourt, Steve

Allen, Timothy  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Christiansen, Lars  
Crane, Elenore Casey  
Fletcher, Richard  
Gorman, Mary  
Hagan, Barbara  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Price, Pamela  
Schulze, Joan  
Sullivan, Jeffrey  
Wheeler, James

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Cernota, Albert  
Clemmons, Jane  
Desmarais, Vivian  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Hinkle, Peyton  
Infantine, William  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Reeves, Sandra  
Slocum, Lee  
Tahir, Saghir  
Wheeler, Robert

## MERRIMACK

Currier, David  
Fraser, Leo Jr  
Marple, Richard  
Oliver, James

Dunne, Christopher  
Hess, David  
Maxfield, Roy  
Ouellette, Robert

Field, William  
Kennedy, Richard  
McCormick, Tom  
Soltani, Tony

Foley, Albert  
L'Heureux, Stephen  
Nutter, Edward

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Clark, Vivian	Dalrymple, Janeen	Dearborn, Bruce	Doyle, Christopher
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McCann, Richard
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Rausch, James	Roessner, Kurt
Ruffner, Walter	Scamman, Stella	Smith, Donald	Splaine, James
Stritch, C Donald	Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert

**STRAFFORD**

Albert, Russell	Bemis, Alan	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Franklin, Peter Rodeschin, Beverly  
 and floor amendment (1267h) failed.  
 Rep. Whalley offered a floor amendment (1295h).

**Floor Amendment (1295h)**

Amend section 1 of the bill by making the following specified changes, and by changing subtotals and totals as hereinafter specified to reflect the specified changes.

**01 GENERAL GOVERNMENT****10 NH RETIREMENT SYSTEM****02 STATE CONTRIBUTIONS**

Strike out

92 RETIREES HEALTH INSURANCE	F	11,204,760	11,119,717
------------------------------	---	------------	------------

Insert in place thereof

92 RETIREES HEALTH INSURANCE	F	25,000,000	30,000,000
------------------------------	---	------------	------------

TOTAL		50,878,411	57,075,949
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ESTIMATED SOURCE OF FUNDS FOR  
 STATE CONTRIBUTIONS

Strike out

GENERAL FUND		37,083,171	38,195,666
--------------	--	------------	------------

Insert in place thereof

GENERAL FUND		50,878,411	57,075,949
--------------	--	------------	------------

TOTAL		50,878,411	57,075,949
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**05 HEALTH AND SOCIAL SERVICES****01 DEPT OF HEALTH AND HUMAN SVCS****10 DIV OF ELDERLY & ADULT SVCS****04 MEDICAL SERVICES****01 NURSING SERVICES**

Strike out

90 NURSING SERVICES		172,411,739	172,411,739
---------------------	--	-------------	-------------

Insert in place thereof

90 NURSING SERVICES		181,486,041	181,486,041
---------------------	--	-------------	-------------

TOTAL		345,540,382	340,025,631
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# ESTIMATED SOURCE OF FUNDS FOR NURSING SERVICES

Strike out FEDERAL FUNDS		168,331,540	165,562,701
Insert in place thereof FEDERAL FUNDS		172,868,690	170,099,851
Strike out 05 PRIVATE LOCAL FUNDS	1	81,113,585	78,673,820
Insert in place thereof 05 PRIVATE LOCAL FUNDS	1	83,382,161	80,942,396
Strike out GENERAL FUND		58,463,801	58,157,654
Insert in place thereof GENERAL FUND		60,732,377	60,426,230
TOTAL		345,540,382	340,025,631

Amend the bill by replacing section 7 with the following:

7 General Fund Appropriation Reduction; Judicial Branch. The judicial branch is hereby directed to reduce all state general fund appropriations by \$7,474,589 for the fiscal year ending June 30, 2004 and \$7,030,628 for the fiscal year ending June 30, 2005 excluding PAU 02-01-05, class 049. The reductions required by this section shall be distributed among all judicial branch program appropriation units; each program appropriation unit shall be reduced by an amount that bears the same proportional relation to total reductions as the unit's appropriations bear to total judicial branch appropriations. The chief justice of the supreme court or designee shall, by July 1, 2003, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section. The chief justice of the supreme court or designee shall, by July 1, 2004, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 17:

15 General Fund Appropriation Reduction; Department of Corrections. The department of corrections is hereby directed to reduce state general fund appropriations by \$1,700,000 for the fiscal year ending June 30, 2004 and \$1,700,000 for the fiscal year ending June 30, 2005.

16 Administrative Cost Assessment Reduction; New Hampshire Retirement System. Notwithstanding any other provision of law, the board of trustees of the New Hampshire Retirement System should review and reduce administrative cost assessments to an extent that the reductions yield a net savings in state general fund appropriations of \$12,000,000 for the fiscal year ending June 30, 2005.

Rep. Burling inquired if the amendment was divisible and asked to have the portion of the amendment dealing with Section 1 of the bill divided from the remainder of the amendment. The Speaker ruled the amendment was divisible and so ordered.

Rep. Elliot requested a roll call; sufficiently seconded.

The question being adoption of Section 1 of floor amendment (1295h).

**YEAS 358 NAYS 22**

**YEAS 358**

**BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Rice, Thomas	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Merrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Richardson, Barbara
Robertson, Timothy	Royce, H Charles	Slack, Pamela	Tilton, Anna
Webber, Amy			

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Ingbretson, Paul
Maybeck, Margie	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bergin, Peter	Brassard, Paul	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Furman, Christine	Gargas, Carolyn	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Haley, Robert	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Katsiantonis, Thomas
Kerns, J Edward	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Kurk, Neal	Laflamme, Charles	LaFlamme, Paul	Lasky, Bette
Lawrence, James	Lefebvre, Roland	Lessard, Rudy	Luebkert, Bernard
McDonough-Wallace, Alice	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mooney, Maureen
Moran, Edward	Mosher, William	Movsesian, Lori	O'Brien, Lori
Palangas, Eric	Pappas, Christopher	Pappas, Marc	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Souza, Kathleen	Spiess, Paul	Stepanek, Stephen
Sullivan, Francis	Sullivan, Jeffrey	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Vaillancourt, Steve	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Currier, David	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	Dunne, Christopher
Field, William	Foley, Albert	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David

Jacobson, Alf  
 Leber, William  
 Maxfield, Roy  
 Osborne, Jessie  
 Potter, Frances  
 Soltani, Tony

Kennedy, Richard  
 Lockwood, Priscilla  
 McCormick, Tom  
 Ouellette, Robert  
 Reardon, Tara  
 Wallner, Mary Jane

L'Heureux, Stephen  
 MacKay, James  
 Nutter, Edward  
 Owen, Derek  
 Reed, Dennis

Langer, Ray  
 Marple, Richard  
 Oliver, James  
 Perkins, Randy  
 Rush, Deanna

## ROCKINGHAM

Allen, Mary  
 Blanchard, MaryAnn  
 Carson, Sharon  
 Cooney, Richard  
 DiFruscia, Anthony  
 Dupuis, Roland  
 Francoeur, Sheila  
 Gleason, John  
 Headd, James  
 Introne, Robert  
 Kelley, Jane  
 Major, Norman  
 Morris, Richard  
 Pantelakos, Laura  
 Quandt, Matthew  
 Ruffner, Walter  
 Stone, Joseph  
 Varrell, Thomas  
 Weldy, Norman Jr  
 Zolla, William

Belanger, Ronald  
 Bridle, Russell  
 Casey, Kimberley  
 Dalrymple, Janeen  
 Dodge, Robert  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Gould, Kenneth  
 Holland, James Jr  
 Johnson, Rogers  
 Kobel, Rudolph  
 McCann, Richard  
 Norelli, Terie  
 Pitts, Jacqueline  
 Rausch, James  
 Scamman, Stella  
 Stritch, C Donald  
 Waterhouse, Kevin  
 Weyler, Kenneth

Bicknell, Elbert  
 Cady, Harriet  
 Clark, Vivian  
 Davidson, Robert  
 Doyle, Christopher  
 Flanders, John Sr  
 Gilbert, Karl  
 Griffin, Mary  
 Hughes, Daniel  
 Katsakiores, George  
 Langone, John  
 McKinney, Betsy  
 Noyes, Richard  
 Priestley, Anne  
 Robertson, Carl  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Weare, E Albert  
 Wiley, Robert

Bishop, Franklin  
 Camm, Kevin  
 Coes, Betsy  
 Dearborn, Bruce  
 Dumaine, Dudley  
 Flayhan, Mary Lou  
 Gillick, Thomas  
 Hamel, Albert  
 Ingram, Russell  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McMahon, Charles  
 Packard, Sherman  
 Putnam, Ed II  
 Roessner, Kurt  
 Smith, Donald  
 Vallone, Matthew  
 Welch, David  
 Winchell, George

## STRAFFORD

Albert, Russell  
 Callaghan, Frank  
 Dunlap, Patricia  
 Heon, Richard  
 Kaen, Naida  
 Pelletier, Arthur  
 Scott, David  
 Taylor, Katherine  
 Woods, Phyllis

Bemis, Alan  
 Campbell, W Packy  
 Easson, Timothy  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Twombly, James

Berube, Roger  
 Cataldo, Sam  
 Grassie, Anne  
 Hollinger, Jeffrey  
 Musler, George  
 Rous, Emma  
 Snyder, Clair  
 Vachon, Dennis

Bickford, David  
 Creteau, Irene  
 Harrington, Michael  
 Johnson, Nancy  
 Newton, Clifford  
 Schmidt, Peter  
 Spang, Judith  
 Wall, Janet

## SULLIVAN

Allison, David  
 Ferland, Brenda  
 Rodeschin, Beverly

Burling, Peter  
 Flint, Gordon Jr

Cloutier, John  
 Jones, Constance

Donovan, Thomas  
 Leone, Richard

## NAYS 22 BELKNAP

None

## CARROLL

None

## CHESHIRE

Pratt, John

Weed, Charles

## COOS

None

## GRAFTON

None



**HILLSBOROUGH**

Bouchard, David  
Hall, Charles

Drisko, Richard  
Johnson, Lionel

Ford, Nancy  
Leach, Edward

Gibson, John  
Wheeler, James

**MERRIMACK**

Kenison, Leon

**ROCKINGHAM**

Corbin, Corey  
Moore, Benjamin

Hutchinson, Karen  
Splaine, James

Johnson, Robert

McEachern, Paul

**STRAFFORD**

Kears, Sandra

**SULLIVAN**

Franklin, Peter  
and Section 1 of floor amendment (1295h) was adopted.

Harris, Joseph

Harris, Sandra

Phinizz, James

The question now being adoption of the remainder of floor amendment (1295h).

Reps. Marjorie Smith and Burling spoke against.

Reps. Kurk and Wheeler spoke in favor.

Rep. Reed requested a roll call; sufficiently seconded.

The question now being adoption of the remainder of floor amendment (1295h).

**YEAS 230 NAYS 150****YEAS 230****BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Russell, David

Allen, Janet  
Dewhirst, Glenn  
Lawton, David  
Thomas, John

Bartlett, Gordon  
Fitzgerald, James  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Flanders, Donald  
Rice, Thomas  
Whalley, Michael

**CARROLL**

Babson, David Jr  
Kenney, Bettie  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Dexter, Judson  
Royce, H Charles

Hunt, John

Laurent, John

Liebl, George

**COOS**

Brady, Mark  
Richardson, Herbert  
Woodward, David

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Ingbreton, Paul

Dorsett, Andrew  
Gionet, Edmond  
Maybeck, Margie

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

Eaton, Stephanie  
Ham, Bonnie  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Bruno, Pierre  
Carter, Jeffrey

Allan, Nelson  
Bailboni, Michael  
Beaton, William  
Buhlman, David  
Carter, Mark

Allen, Timothy  
Balcom, John  
Bergeron, Jean-Guy  
Cail, Kenneth  
Cernota, Albert

Arnold, Thomas Jr  
Barry, J Gail  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert

Christensen, D L Chris  
Desmarais, Vivian  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Holden, Randolph  
Jasper, Shawn  
Lafamme, Charles  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey  
Wheeler, Robert

Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Goulet, Maurice  
Hagan, Barbara  
Hawkins, Ken  
Hopper, Gary  
Johnson, Lionel  
Lawrence, James  
McHugh, Claire  
Mooney, Maureen  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Hunter, Bruce  
Kerns, J Edward  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Crane, Elenore Casey  
Emerton, Larry  
Gibson, John  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
Infantine, William  
Kurk, Neal  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen  
Wheeler, James

### MERRIMACK

Anderson, Eric  
Field, William  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

Colcord, J D  
Foley, Albert  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James

Currier, David  
Fraser, Leo Jr  
Langer, Ray  
Maxfield, Roy  
Ouellette, Robert

Dunne, Christopher  
Hess, David  
Leber, William  
McCormick, Tom  
Soltani, Tony

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
McMahon, Charles  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Wiley, Robert

Bicknell, Elbert  
Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morris, Richard  
Putnam, Ed II  
Scamman, Stella  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
McCann, Richard  
Noyes, Richard  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weldy, Norman Jr

Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Easson, Timothy  
Newton, Clifford

Bemis, Alan  
Harrington, Michael  
Scott, David

Campbell, W Packy  
Hollinger, Jeffrey  
Twombly, James

Cataldo, Sam  
Musler, George  
Woods, Phyllis

### SULLIVAN

Jones, Constance

Rodeschin, Beverly

### NAYS 150

### BELKNAP

### CARROLL

### CHESHIRE

Allen, Peter  
Espieles, Peter

Batchelder, Robert  
Fish, Douglas

Dunn, James  
Manning, Joseph

Eaton, Daniel  
Meador, David

Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Pratt, Irene  
Slack, Pamela

Pratt, John  
Tilton, Anna

## COOS

Mears, Edgar

Poulin, Richard

## GRAFTON

Akins, Ralph  
Cooney, Mary  
Scovner, Nancy

Almy, Susan  
Densmore, Edward  
Sokol, Hilda

Benn, Bernard  
Hammond, Lee  
Solomon, Peter

Bleyler, Ruth  
Nordgren, Sharon

## HILLSBOROUGH

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Ford, Nancy  
Hall, Charles  
Konys, Christine  
Lasky, Bette  
Messier, Irene  
Pilotte, Maurice  
Sullivan, Peter

Bergin, Peter  
Clayton, William  
Craig, James  
Gargas, Carolyn  
Irwin, Anne-Marie  
Kopka, Angeline  
Leach, Edward  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Bouchard, David  
Clemons, Jane  
Dokmo, Cynthia  
Gorman, Mary  
Jean, Claudette  
Kudalis, Debra  
Lefebvre, Roland  
Palangas, Eric  
Shaw, Barbara  
Tate, Joan

Brassard, Paul  
Cote, David  
Drisko, Richard  
Haley, Robert  
Katsiantonis, Thomas  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Pappas, Christopher  
Sullivan, Francis

## MERRIMACK

Blanchard, Elizabeth  
Daniels, Eric  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Reed, Dennis

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kenison, Leon  
Perkins, Randy  
Rush, Deanna

Brueggemann, Donald  
DeJoie, John  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
DeStefano, Stephen  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara

## ROCKINGHAM

Allen, Mary  
Cooney, Richard  
Holland, James Jr  
Norelli, Terie  
Robertson, Carl  
Winchell, George

Blanchard, MaryAnn  
Corbin, Corey  
Langone, John  
Pantelakos, Laura  
Shultis, Elizabeth  
Zolla, William

Casey, Kimberley  
Davidson, Robert  
McEachern, Paul  
Pitts, Jacqueline  
Splaine, James

Goes, Betsy  
Gould, Kenneth  
Moore, Benjamin  
Quandt, Matthew  
Vallone, Matthew

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Bickford, David  
Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

## SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Leone, Richard

Cloutier, John  
Franklin, Peter  
Phinizy, James

Donovan, Thomas  
Harris, Joseph

and the remainder of floor amendment (1295h) was adopted.

The question now being adoption of the amended committee report.

Rep. Burling spoke against.

Rep. Kurk spoke in favor.

Rep. Osborne requested a roll call; sufficiently seconded.

The question now being adoption of the amended committee report.

**YEAS 238 NAYS 142****YEAS 238****BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Rice, Thomas  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Lawton, David  
Russell, David

Bartlett, Gordon  
Fitzgerald, James  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Pilliod, James  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Kenney, Bettie  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Merrow, Harry  
Philbrick, Donald

Hatch, Paul  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Dexter, Judson  
Royce, H Charles

Hunt, John

Laurent, John

Liebl, George

**COOS**

Brady, Mark  
Richardson, Herbert  
Woodward, David

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Sorg, Gregory

Dudley, Terri  
Giuda, Robert  
Williams, Burton

Eaton, Stephanie  
Ingbreton, Paul

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Bruno, Pierre  
Carter, Jeffrey  
Christensen, D L Chris  
Desmarais, Vivian  
Fields, Dennis  
Gargas, Carolyn  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
Kerns, J Edward  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Wheeler, Robert

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Gibson, John  
Graham, John  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Hunter, Bruce  
Kurk, Neal  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Sullivan, Jeffrey

Allen, Timothy  
Balcom, John  
Bergeron, Jean-Guy  
Cail, Kenneth  
Cernota, Albert  
Coughlin, Pamela  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Infantine, William  
Laflamme, Charles  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Tahir, Saghir

Arnold, Thomas Jr  
Barry, J Gail  
Brundige, Robert  
Carlson, Donald  
Chabot, Robert  
Crane, Elenore Casey  
Emerton, Larry  
Furman, Christine  
Goulet, Maurice  
Hagan, Barbara  
Harrington, Paul  
Holden, Randolph  
Jasper, Shawn  
Lawrence, James  
McHugh, Claire  
Mooney, Maureen  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Field, William  
Kennedy, Richard  
MacKay, James  
Nutter, Edward  
Soltani, Tony

Colcord, J D  
Foley, Albert  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James

Currier, David  
Fraser, Leo Jr  
Langer, Ray  
Maxfield, Roy  
Ouellette, Robert

Dunne, Christopher  
Hess, David  
Leber, William  
McCormick, Tom  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Doyle, Christopher	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Holland, James Jr
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Rausch, James	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey
Musler, George	Newton, Clifford	Scott, David	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Leone, Richard	Rodeschin, Beverly
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**NAYS 142****BELKNAP**

None

**CARROLL**

Dickinson, Howard

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Tilton, Anna
Webber, Amy	Weed, Charles		

**COOS**

Mears, Edgar	Poulin, Richard
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**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin	Bergin, Peter	Bouchard, David	Brassard, Paul
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dokmo, Cynthia	Drisko, Richard
Gorman, Mary	Haley, Robert	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Kudalis, Debra	LaFlamme, Paul	Lasky, Bette	Leach, Edward

Lefebvre, Roland  
Palangas, Eric  
Shaw, Barbara  
Sweeney, Cynthia

McDonough-Wallace, Alice  
Pappas, Christopher  
Spiess, Paul  
Tate, Joan

Messier, Irene  
Pilotte, Maurice  
Sullivan, Francis  
Wheeler, James

Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

### MERRIMACK

Blanchard, Elizabeth  
Daniels, Eric  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rush, Deanna

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kenison, Leon  
Perkins, Randy  
Wallner, Mary Jane

Brueggemann, Donald  
DeJoie, John  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances

Clarke, Claire  
DeStefano, Stephen  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
McEachern, Paul  
Quandt, Matthew  
Vallone, Matthew

Casey, Kimberley  
Corbin, Corey  
Norelli, Terie  
Robertson, Carl

Clark, Vivian  
Davidson, Robert  
Pantelakos, Laura  
Shultis, Elizabeth

Coes, Betsy  
Langone, John  
Pitts, Jacqueline  
Splaine, James

### STRAFFORD

Berube, Roger  
Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Phinizy, James

Cloutier, John  
Franklin, Peter

Donovan, Thomas  
Harris, Joseph

and the amended committee report was adopted.  
Ordered to third reading.

### HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This is the companion or trailer bill to HB 1-A, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. Key provisions create the Nurses State Program, the Start-up NH garage grant program, the reorganization of the Office of State Planning, the creation of the Office of Information Technology and Management, and an increase in court filing fees. The committee amendment to HB 2 supports the committee amendment to HB 1. Vote 17- 5.

### Amendment (1273h)

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Health and Human Services: Program Eligibility. For the biennium ending June 30, 2005, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

2 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Rulemaking Relative to the Earned Income and Eligibility for Aid to the Permanently and Totally Disabled. Amend RSA 167:3-c, IX to read as follows:

IX. The amount of earned income to be disregarded for purposes of calculating eligibility for aid to the permanently and totally disabled [~~which shall be consistent with the regulations of the federal Supplemental Security Income Program or its successor program~~].

3 New Paragraph; Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program. Amend RSA 2002, 281:9 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall implement a preferred drug list program only after consultation with an expert in the area of such programs and after approval by the fiscal committee of the general court.

4 Governor's Salary Used for Employee Incentive Awards. Notwithstanding any other provision of the law, the governor may elect not to take a salary, and the commissioner of administrative services is authorized to move such appropriation to another class for employee incentives. All applicable taxes shall be deducted from any such appropriation.

5 Nursing Leveraged Scholarship Loan Program; Nurses Stat Program. Amend RSA 188-D:18-a and RSA 188-D:18-b to read as follows:

188-D:18-a Program Established. *The general court recognizes the shortage of nurses in New Hampshire and recognizes the need to address this shortage by providing scholarship assistance to train registered nurses, licensed practical nurses, licensed nursing assistant and medications nursing assistants to serve in New Hampshire. Further, the general court recognizes the shortage of qualified instructors to teach these nursing programs at the regional community technical institute and colleges. To address this shortage, there is established the nurses stat program, a nursing leveraged scholarship loan program, to be administered by the postsecondary education commission for the benefit of students pursuing approved programs of nursing study. These approved programs of nursing study shall include part-time or full-time programs for registered nurses, licensed practical nurses, licensed nursing assistants and medication nursing assistants.*

188-D:18-b Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the [~~leveraged scholarship loan~~] *nurses stat* program, including establishing a reasonable maximum amount of money provided to a recipient under the program and a reasonable frequency of such loans, and setting minimum qualifications of applicants who are not registered nurses.

6 Nurses Stat Program; Use of Funds by Technical Colleges. Amend RSA 188-D:18-c, III to read as follows:

III. *Except as provided in paragraph IV*, educational institutions which are eligible for receipt of money provided to students under this subdivision shall match funds provided by the state in order to receive such money. The total amount of matching funds shall not exceed any amount provided by the state during each fiscal year. Such matching funds shall be provided in addition to any other sums provided by the state.

IV. *State funds appropriated directly to the regional community-technical institute and the regional community-technical community colleges for the nurses stat program shall be used solely for the purpose of hiring, training, and retaining teachers for nursing programs. Of the amount appropriated to the regional community-technical colleges, \$250,000 in each fiscal year shall be used to establish and operate a nursing program at the Keene campus of the regional-community technical colleges.*

7 New Paragraphs; Nurses Stat Program; Terms of Repayment for Nursing Assistants. Amend RSA 188-D:18-e by inserting after paragraph II the following new paragraphs:

II-a. Recipients of loans for nursing assistant and medication nursing assistant programs, as those positions are defined by the state board of nursing, shall have their notes cancelled upon satisfactory completion of one year of full-time nursing service in New Hampshire immediately following certification. Repayment by service shall be completed within 3 years from the date of certification.

II-b. Certified nursing assistants and medication nursing assistants shall be eligible to apply for a loan under the nurses stat program to advance their qualifications to become a licensed practical nurse or registered nurse.

8 Nurses Stat Program; Terms of Repayment; Reference to Nursing Assistants Added. Amend the introductory paragraph of RSA 188-D:18-e, III to read as follows:

III. If the note is not cancelled because of service as a nurse, *licensed nursing assistant, or medication nursing assistant*, the recipient shall repay the loan within 2 years:

9 New Section; Budget and Appropriations; Deficit Control; Can-do Incentive Program Established. Amend RSA 9 by inserting after section 13-e the following new section:

9:13-ee Can-do Incentive Program. The can-do incentive program is hereby established to encourage state employees and agency heads to initiate and implement reorganization and downsizing

cost-saving measures. A total of 10 percent of any monetary savings resulting from reorganization or downsizing initiated and implemented by any state agency to reduce the expenditures identified in the agency's biennium budget shall be divided among the agency head and agency employees in the following manner: Ten percent of the 10 percent of moneys saved shall be distributed to the agency head and 90 percent of the 10 percent of moneys saved shall be distributed to the agency employees who initiated and implemented the reorganization or downsizing measures to reduce the agency's expenditures. Under no circumstance shall the total monetary award to any agency head exceed the sum of \$25,000. All applicable taxes shall be deducted from any award under this program. No monetary award shall be made to any employee or agency head unless the agency demonstrates that it has reduced its biennium budget as a result of reorganization or downsizing measures. The remaining 90 percent of the monetary savings resulting from reorganization or downsizing shall be deposited in the revenue stabilization reserve account maintained by the state treasurer in the fiscal year in which the savings occur. The can-do incentive program shall be administered by the commissioner of the department of administrative services. The commissioner of the department of administrative services shall decide who is eligible to receive awards under this program and the amount of such awards. The commissioner shall determine the amount of any monetary savings, net of projected lapses.

10 Repeal. The following are repealed, and the balance of the health care fund as of July 1, 2003 shall lapse to the general fund:

I. RSA 167:69 through RSA 167:75, relative to health care fund.

II. RSA 6:12, I(tttt), relative to moneys deposited in the health care fund.

III. 1997, 351:74, relative to medicaid revenues transferred to health care transition fund.

11 New Subdivisions; Department of Resources and Economic Development; Start-Up NH; Garage Grants. Amend RSA 12-A by inserting after section 49 the following new subdivisions:  
Start-Up NH

12-A:50 Start-up NH; Grant Program Established. The start-up NH grants program is established to award grants to eligible New Hampshire students to start their own business in New Hampshire. In this subdivision, "program" means the start-up NH grants program.

I. The department of resources and economic development shall administer this program in cooperation with a screening committee. The funds appropriated for this program shall be expended for grants to eligible New Hampshire college students to start a bona fide new business located in New Hampshire.

II. Any individual eligible to receive a degree from any accredited postsecondary education institution in New Hampshire is qualified to submit a grant application under this program during the year they are eligible to receive such degree and up to a year after receipt of a degree from any accredited postsecondary institution in the state. No person shall be eligible for more than one grant under this program.

III.(a) The start-up NH screening committee shall consist of the following members:

(1) The director of the division of economic development, or designee, who shall serve as chair of the committee.

(2) The governor, or designee.

(3) A member of the senate, appointed by the president of the senate.

(4) A member of the house, appointed by the speaker of the house of representatives.

(5) The dean of Whittemore School of Business and Economics at the University of New Hampshire, or designee.

(6) Two owners of New Hampshire businesses created within the last 10 years, appointed by the governor.

(b) Committee members appointed under subparagraphs (a)(1) - (4) shall serve a term co-terminous with their term in office. Committee members appointed under subparagraphs (a)(5) and (6) shall serve for a term of 2 years, or until a successor is appointed and qualified in the case of a vacancy. Committee members shall not be compensated.

IV. Funds appropriated to the program shall only be made available to eligible individuals as may be certified by the screening committee with the approval of the commissioner of the department of resources and economic development.

V. Grant applications shall be reviewed by the screening committee which shall recommend approval or disapproval of applications in writing to the commissioner of the department of resources and economic development.



VI. The commissioner of resources and economic development shall, with the advice of the screening committee, adopt the following:

(a) A written description of the program.

(b) Written procedures and criteria used to determine eligibility for grants under this section, including a requirement that the grants used solely for starting bona fide new businesses in the state.

(c) A written application, including the information required of applicants, including a requirement that all applicants submit a proposed business and implementation plan to the screening committee prior to receiving a grant under this program.

(d) Procedures for the administration of grants by recipients, including reporting requirements.

#### Garage Grants Program

12-A:51 Garage Grants Program Established. A program to be known as the garage grants program, is established to assist business incubators located in New Hampshire.

I. The department of resources and economic development shall administer grants to business incubators in cooperation with a program screening committee. The funds appropriated for this program shall be expended for grants to business incubators located in New Hampshire. Priority shall be given to business incubators that will be located in towns and cities in New Hampshire where the median income level of the residents of the town or city falls below the statewide average.

II. In this section, "business incubator" means an enterprise that is set up to provide office or manufacturing space, equipment, and mentoring assistance and capital to new businesses. The purpose of a business incubator is to serve other new businesses. Employee leasing programs shall not qualify as business incubators under this program.

III. The garage grant screening committee shall consist of the following members:

(a) The director of the division of economic development, who shall serve as chair of the committee.

(b) The governor, or designee.

(c) A member of the senate, appointed by the president of the senate.

(d) A member of the house, appointed by the speaker of the house of representatives.

(e) Three owners of New Hampshire businesses with 50 or less employees, appointed by the governor.

IV. Committee members shall serve a term of 3 years from their date of appointment, except that legislative members and the director of the division of economic development shall serve terms coterminous with their terms in office. Committee members shall not be compensated.

V. Funds appropriated to the program shall only be made available to business incubators as may be certified by the screening committee with the approval of the commissioner of the department of resources and economic development.

VI. Grant applications shall be reviewed by the screening committee which shall recommend approval or disapproval of applications in writing to the commissioner of the department of resources and economic development.

VII. The commissioner of resources and economic development shall, with the advice of the screening committee, adopt the following:

(a) A written description of the program.

(b) Written procedures and criteria used to determine eligibility for grants under this section.

(c) A written application, including the information required of applicants.

(d) Procedures for the administration of grants by recipients including reporting requirements.

#### 12 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between January 1, 2003 and July 1, 2005, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire and if he or she meets the minimum qualifications for the position.

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from January 1, 2003 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay ½ the cost and the laid-off state employee shall pay ½ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

13 Office of State Planning; Name Change; Office of State Planning and Program Management. Amend the chapter heading of RSA 4-C to read as follows:

#### CHAPTER 4-C

#### OFFICE OF STATE PLANNING AND PROGRAM MANAGEMENT

14 Reference Changes; Office of State Planning Renamed Office of State Planning and Program Management. Amend the following RSA provisions by replacing "office of state planning" with "office of state planning and program management": RSA 4-C:2; 4-C:3; 4-C:4; 4-C:5; 4-C:6; 4-C:6-a; 4-C:7; 4-C:9; 4-C:9-a; 4-C:10; 4-C:19; 9-A:2; 9-A:4; 12-G:13; 12-K:2, V; 12-K:3; 12-K:6; 12-K:8; 12-K:9; 17-M:2; 21-O:5-a; 21-O:7; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-G:2, VII; 125-G:3; 125-G:5; 125-G:16; 126-A:4; 147-B:4; 162-C:1; 162-H:3; 204-C:8; 227-G:2, XII; 227-M:4; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-E:3; 227-E:6; 233-A:2; 235:23; 238:20; 238:23; 261:153; 270:65; 270:67; 270:68; 270:71; 374:22-j; 384-B:1; 432:19; 483:8; 483:10; 483:10-a; 483-A:6; 483-A:7; 483-B:4; 483-B:5; 483-B:12; 483-B:16; 483-B:19; 485-A:4; 485-C:3; 673:3-a; 674:3; 675:9.

15 Office of State Planning and Program Management; General Duties and Responsibilities. Amend RSA 4-C:1 to read as follows:

4-C:1 Establishment; General Duties and Responsibilities.

I. There is established the office of state planning *and program management* within the office of the governor. The office of state planning *and program management* shall be under the supervision and direction of the governor or his designee. The governor's designee shall be known as the director of the office of state planning *and program management*.

II. The office of state planning *and program management* shall:

(a) Plan for the orderly development of the state and the wise management of the state's resources.

(b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.

(c) Encourage and assist planning, growth management and development activities of cities and towns and groups of cities and towns with the purpose of encouraging smart growth.

(d) Encourage the coordination and correlation of state planning by agencies of state government.

(e) Participate in interstate, regional, and national planning efforts.

(f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.

(g) [When requested by one or more towns under RSA 261:153, V, study the adequacy of the additional fee collected to pay fees for the collection and disposal of motor vehicle wastes. If the office deems it necessary, it shall submit proposed legislation to increase such fees to the speaker of the house, the president of the senate, and the governor.

(h) Maintain a current list of contractors and facilities approved by the office for the collection and disposal of motor vehicle waste, for distribution to towns.

(i) Participate and advise in matters of land use planning regarding lakes and rivers management programs.

(j) (h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the coastal zone management program, the New Hampshire estuaries project, the saltmarsh restorability program, the southeast New Hampshire

*groundwater sustainability program, the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, and the scenic and cultural byways system. The office shall employ necessary personnel to administer these programs.*

[(k)] (j) Perform such other duties as the governor may assign.

16 Office of State Planning; Responsibilities for Assistance; Reference Change from Office of State Planning to Office of State Planning and Program Management. Amend RSA 4-C:8 to read as follows:

4-C:8 Responsibilities for Assistance. The office of state planning *and program management* shall:

I. Provide technical assistance and, within the limits of biennial legislative appropriations, financial grants to regional planning commissions established under RSA 36:45-36:53 in support of:

(a) Planning assistance to local units of government.

(b) Preparation of regional plans.

(c) Contributions to and coordination with ~~[state-wide]~~ *statewide* planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 4-C:2.

II. As requested and in cooperation with regional planning commissions, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. The office shall encourage municipalities to first seek assistance from established regional planning commissions.

III. Provide computer interface capability among and between each regional planning commission, the office of state planning *and program management*, and state data collection and storage sources. The computer interface capability shall be used by regional planning commissions to respond to municipal requests for assistance in the preparation and amending of master plans and in the evaluation of municipal infrastructure needs. The computer interface capability shall also be used by regional planning commissions to develop and update regional master plans, as provided in RSA 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and able to interface with the office of state ~~[planning's]~~ *planning and program management's* geographic information system, as well as with other similar state computerized data collection and storage sources.

IV. Provide technical assistance and information to municipalities with the cooperation of other state and regional planning agencies in the following areas:

(a) Use and application of geographic data available in the state's geographic information system (GIS) for local planning and growth management purposes.

(b) Recommending standard procedures for the establishment of accurate, large-scale base mapping to support municipal administrative functions such as tax assessment, public facility management and engineering.

17 New Subdivision; Office of State Planning and Program Management; E-ticket to Learning Matching Grants Program. Amend RSA 4-C by inserting after section 23 the following new subdivision:

E-Ticket to Learning Matching Grants Program

4-C:24 E-Ticket to Learning Matching Grants Program.

I. The e-ticket to learning matching grants program is established to provide matching grants to public schools serving grades 1-12 to implement new distance or e-learning programs. The general court recognizes that distance learning initiatives through the use of technology can provide communities with greater access to a wider range of curricula, assist students with special needs who may be unable to attend traditional classrooms, and enhance students' learning performance. This program shall be administered by the office of state planning and program management.

II. A grant screening committee shall be formed consisting of the following members:

(a) A member of the office of state planning and program management, appointed by the governor.

(b) The chair of the board of education, or designee.

(c) A New Hampshire educator, appointed by the governor.

(d) The chair of the education committee of the house of representatives, or designee.

(e) The chair of the education committee of the senate, or designee.

III. The terms of the screening committee members shall be coterminous with the term of the governor. Members shall not be compensated.

IV. The screening committee shall determine:

- (a) A description of the program.
- (b) The procedures and criteria used to evaluate grant applications under this section.
- (c) The application process, including information required of applicants.
- (d) Procedures for the administration of grants by recipients including reporting requirements.

V. The screening committee shall decide which applications are eligible for grants under this program.

VI. Educational institutions which are eligible for grants under this program shall match funds provided by the state, through public or private contributions, in order to receive such money. The total amount of matching funds shall not exceed any amount provided by the state during each fiscal year. Such matching funds shall be provided in addition to any other sums provided by the state.

18 New Chapter; Governor's Office of Information Technology. Amend RSA by inserting after chapter 4-C the following new chapter:

#### CHAPTER 4-D

##### OFFICE OF INFORMATION TECHNOLOGY

4-D:1 Office of Information Technology Established; General Duties and Responsibilities

I. There is established the office of information technology within the office of the governor. The office of information technology shall be under the supervision of the chief information officer. The chief information officer shall be appointed by the governor and shall be a non-classified employee.

II. The office of information technology, through its officials, shall be responsible for managing and coordinating all technology resources in the executive branch of government, developing and implementing strategies to enhance state customer service, and creating statewide efficiencies through the use of information and other technologies.

4-D:2 Functions. The office of information technology shall be responsible for the following:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state-of-the-art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans.

IV. Preparing and maintaining a statewide information technology plan based upon agency data processing plans.

V. Reviewing, assessing, and approving the feasibility of agency plans, including cost estimates and impacts on other agencies and political subdivisions of the state.

VI. Developing standards and processes for collaborative stakeholder involvement to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with other systems of the state and political subdivisions as are necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and legislature on the effectiveness of the use of information technology resources and on statewide progress in implementing technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies or other levels of government.

X. Assigning to the various data centers throughout the state the data processing operations service responsibilities for all executive branch agencies.

XI. Developing in concert with the commissioner of administrative services and the budget director the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing in concert with the director of plant and property management specifications for the procurement of computer equipment and software.

4-D:3 Special Duties. In addition to the powers, duties, and functions otherwise vested in the chief information officer under this chapter, the chief information officer shall:

I. Develop and implement, with the advice of the information technology council, a long-range information technology plan for the state of New Hampshire.

II. Report to the governor and to the speaker of the house of representatives, the president of the senate, and the house and senate executive departments and administration committees on January 1 of each year as to the progress made in implementing the state information technology plan.

#### 4-D:4 Information Technology Council.

I. There is hereby established the information technology council. The council shall advise the chief information officer on the following:

- (a) Statewide strategic technology plans.
- (b) Outsourcing relationships, including the purchase of technology equipment and contracts with technology vendors.
- (c) Computer systems consolidation.
- (d) Implementation of centralized services.
- (e) Information technology resource changes, including changes in quantity of resources allocated to executive branch agencies, location of information technology resources and allocation of information technology personnel.
- (f) Statewide information technology policies and standards.
- (g) Information technology budgeting and resource allocation.

II. The information technology council shall consist of the following members:

- (a) The chief information officer, who shall serve as chairperson of the council.
- (b) The commissioner of administrative services, or designee.
- (c) The commissioner of transportation, or designee.
- (d) The commissioner of health and human services, or designee.
- (e) The commissioner of safety, or designee.
- (f) Two heads of departments, appointed by the governor.
- (g) One state senator, appointed by the senate president for the duration of his or her legislative term.
- (h) One state representative, appointed by the speaker of the house of representatives for the duration of his or her legislative term.
- (i) One representative of municipal government, nominated by the New Hampshire Municipal Association and appointed by the governor for a 3-year term.
- (j) One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the governor for a 3-year term.

III. Six members of the council shall constitute a quorum.

4-D:5 Technical Committees. The chief information officer may establish technical committees to advise him or her on technical issues. Each technical committee shall include personnel from all 3 branches of government who are expert in the specific issue that is the focus of the committee. These issues may include but are not limited to:

- I. Hardware, software, and telecommunications standards.
- II. Information technology planning process.
- III. Development of statewide policies and procedures.
- IV. Emerging Internet and "intranet", or limited network, technologies.
- V. E-government strategy and deployment.
- VI. Wide Area Network efficiencies.

4-D:6 Rulemaking Authority. The chief information officer shall adopt rules under RSA 541-A establishing a formal information technology planning process for approving agency information technology plans.

#### 4-D:7 Legislative Oversight Committee.

I. There is hereby established a joint legislative information technology oversight committee.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house, and 3 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The chief information officer shall report to the committee on the activities of his or her office, including but not limited to the implementation of the state information technology plan, the proposed transfer of information technology employees among state agencies and any proposed expenditures related to information technology equipment. Such reports shall be conducted as required by the committee.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

19 Transfer of Personnel from Division of Information Technology Management to Office of Information Technology.

I. The director of information technology management and the personnel under his or her supervision in the department of administrative services immediately prior to the effective date of this act may be transferred to the office of information technology, together with all of the books, payroll, records, equipment, unexpended appropriations, or other available funds in any amount or subdivision of any account authorized or for use by the division of information technology management. Any such transfer shall occur only with the prior approval of the joint legislative fiscal committee.

II. Information technology employees of the executive branch may, notwithstanding any law to the contrary, be transferred to the office of information technology and report to the chief information officer. Any such transfer shall occur only with the prior approval of the joint legislative fiscal committee. The office of information technology shall manage and direct such employees in order to carry out the goals of RSA 4-D:2. Only those employees specifically designated by the chief information officer and approved by the fiscal committee shall be physically moved.

III. All agency heads and other state officials shall fully cooperate with the chief information officer in such manner as is designed to carry out the purposes of this section.

IV. Any state employee laid off as a result of budgetary reductions shall be allowed upon return to state service to utilize prior service for purposes of being eligible for retiree health insurance.

20 Repeal. The following are repealed:

I. RSA 21-I:66-68, relative to relative to the establishment, functions, and director of the division of information technology management.

II. RSA 21-I:69-72, relative to the special duties, rulemaking, advisory board, and technical committees of the division of information technology management.

21 Contingency. Paragraph I of section 20 of this act shall be effective upon the transfer, as provided in section 19, of all division of information technology management employees, materials, and equipment to the office of information technology or to another division within the department of administrative services, as certified by the commissioner of administrative services to the joint legislative fiscal committee and the director of legislative services.

22 Department of Administrative Services: Division of Plant and Property Management. Amend RSA 21-I:11, XI and XII to read as follows:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding [~~\$5,000~~] \$500 in total cost, that the agency obtain approval of the proposal by the [~~director of the office of information technology~~] **chief information officer** to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the [~~director of the office of information technology~~] **chief information officer** in support of requests for purchases of information technology equipment or software in excess of [~~\$5,000~~] \$500.

23 Information Technology Plan; Reference to Chief Information Officer. Amend RSA 9:4-b to read as follows:

9:4-b Information Technology Plan. Each executive department shall prepare an information technology plan in accordance with the information technology planning process developed by the [~~director of the division of information technology management~~] **chief information officer in consultation with the information technology council**. The portion of each plan which addresses the upcoming biennium shall define the capital and operating budgets necessary for implementing the plan. The budget data in the information technology plan shall provide for both new information technology initiatives and existing operations and shall be consistent with the budget data submitted under RSA 9:4 and 9:4-a. In the case of the failure of any executive department to submit an information technology plan, the [~~director of information technology management~~] **chief information officer** shall cause a plan to be prepared as in his or her opinion is reasonable and proper.

Each information technology plan shall identify a process for collaborative involvement of stakeholders representing other levels of government within the state in the development, design, and deployment of information technology systems that involve or impact such other political subdivisions of the state.

24 State Library; "Webster" Advisory Board; Duty to Advise Chief Information Officer. Amend RSA 201-A:27, I-IV to read as follows:

I. There is hereby established a board to advise the state librarian *and chief information officer* and to study the future direction of "Webster," the state of New Hampshire's automated information system Internet site.

II. The members of the board shall be as follows:

(a) One house member, appointed by the speaker of the house.

(b) One senator, appointed by the senate president.

(c) One member representing the judicial branch, appointed by the chief justice of the supreme court.

(d) The state librarian, or designee.

(e) ~~[The director of information technology management, or designee]~~ *The chief information officer, or designee.*

(f) The state archivist, or designee.

(g) One member representing the governor's office, appointed by the governor.

(h) One public member, appointed by the governor, who shall be an end user of the information available on Webster.

*(i) One representative of municipal government, recommended by the New Hampshire Municipal Association and appointed by the governor.*

III. The terms of the members appointed pursuant to subparagraphs II(c), (g), ~~[and]~~ (h), *and (i)* shall be 3 years; the terms of all other members shall be coterminous with their terms in office. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

IV. Members of the board shall serve without compensation. Members of the legislature shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The board shall advise the state librarian ~~[on matters pertaining to the state's web site known as Webster, examine models from other states, coordinate]~~ *and the chief information officer on matters under their jurisdiction. The state librarian shall be responsible for matters pertaining to public access to state government information and resources and the coordination of Internet information content activities on an interagency basis. [and recommend standards to the state librarian]* *The chief information officer shall be responsible for the functioning and maintenance of the state Internet site, including the purchase and use of equipment and establishing standards for electronic publications and other electronic information dissemination issues. Notwithstanding any other provision of this section, the legislature shall oversee the content, functioning, and maintenance of all legislative websites and the judicial branch shall oversee the content, functioning, and maintenance of all judicial branch websites.*

25 Environmental Services Revolving Fund Lapse. The commissioner of the department of environmental services is hereby directed to lapse to the general fund the total sum of \$221,000 from the lab equipment revolving fund, 010-044-1410-003 on June 30, 2003.

26 New Subdivision; Department of Resources and Economic Development; Community Development Block Grant Program. Amend RSA 12-A by inserting after section 49 the following new subdivision:

Community Development Block Grant Program

12-A:50 Definitions. In this subdivision:

I. "Department" means the New Hampshire department of resources and economic development.

II. "Chief executive officer" means the chief executive of the municipality, whether the official designation is mayor, city manager, chairman of the board of selectmen, or otherwise.

III. "Commissioner" means the commissioner of the department of resources and economic development.

IV. "Committee" means the community development advisory committee.

V. "Entitlement municipality" means a municipality entitled to receive funds directly from the United States Department of Housing and Urban Development under Title I, section 106(b) of the federal act.

VI. "Federal act" means Title I of the Housing and Community Act of 1974, as amended, 42 U.S.C. section 5301 et seq.

VII. "Governing body" means, in the case of a city, the city council or the board of aldermen or, in the case of a town, the board of selectmen or the town council.

VIII. "Grantee" means a municipality that receives a grant under the provisions of this subdivision.

IX. "Municipality" means a city or a town. It also means a "non-entitlement area" as defined in Title I, section 102(a)(7) of the federal act.

12-A: 51 Program Goals.

I. In allocating funds under the community development block grant program, the department shall give priority to activities that:

(a) Benefit low and moderate income households.

(b) Aid in the prevention or elimination of slum or blight.

(c) Aid in the prevention or elimination of conditions which pose a serious or immediate threat to the health and welfare of the community where no other financial resources exist to meet such needs.

II. Funds for housing and public facilities shall not be less than 50 percent of the total funds available for grants in any given year.

12-A:52 Eligible Activities. A wide range of community development activities shall be eligible for funding. These may include, but are not limited to:

I. The acquisition, rehabilitation, or expansion of housing.

II. The creation, expansion, or retention of employment through the stimulation of private investment and community revitalization.

III. The installation, rehabilitation, or replacement of public facilities.

IV. Activities that test the feasibility of innovative approaches to community development.

V. Activities that provide timely responses to unpredictable circumstances or special development opportunities.

12-A:53 Grant of Powers to Municipalities.

I. All municipalities not designated as entitlement municipalities under the federal act are authorized to apply with the department for funds and are granted such additional authority and power, essential and incidental, as may be necessary for the administration of this program.

II. Prior to filing an application under this subdivision, a municipality shall:

(a) Through action by the governing body adopt or pass an official act or resolution authorizing the filing of the application and directing the chief executive officer or designee to act in connection with the application and to provide such information as may be required.

(b) Hold at least one public hearing to obtain the views of citizens on community development, to furnish the citizens with information concerning the amount of funds available and the range of community development activities that may be undertaken under this subdivision and to give affected citizens an opportunity to examine a proposed statement to the projected use of such funds to be applied for. A notice of the hearing shall specify the grounds for the hearing as well as the date, time, and place. This notice of the hearing shall be published in a newspaper of general circulation in the municipality, and a legal notice shall also be posted in at least 3 public places within such municipality at least 10 days prior to the hearing. The 10 days shall not include the day of publication or the day of posting, whichever is later, nor the day of the hearing, but shall include any Saturdays, Sundays, and legal holidays within the period. This hearing shall be held before the municipality's governing body takes any final action regarding the filing of the application.

III. The chief executive officer shall certify that the municipality will comply with the provisions of this subdivision and with other applicable federal and state laws and rules as may be determined by the department and the federal government.

12-A:54 The New Hampshire Community Development Advisory Committee.

I. There is established the community development advisory committee which shall be provided staff and administrative assistance by the department.

II. The committee shall consist of 9 voting members as follows:

(a) The director of the division of economic development, department of resources and economic development, or designee, who shall serve as chairperson of the committee.

(b) The director of the office of state planning and program management, or designee.

(c) The executive director of the New Hampshire housing finance authority, or designee.



(d) Six public members, at least 3 of whom shall be municipal officials, who shall be appointed by and serve at the pleasure of the governor.

III. The 6 public members shall be paid their actual expenses incurred in performing their duties under this subdivision and shall be paid mileage at the same rate as state employees.

IV. A majority of the members of the committee shall constitute a quorum.

V. No person who receives a significant portion of his or her income directly or indirectly from the community development activities governed by this subdivision shall be a member of the committee.

VI. The committee shall advise the commissioner in the development of rules for administering this subdivision and developing criteria for the allocation of funds provided under the federal act.

#### 12-A:55 Duties of the Commissioner.

I. The commissioner, with the consent of the committee and with the approval of the governor, shall:

(a) Adopt rules, pursuant to RSA 541-A, relative to:

(1) The application process.

(2) Criteria and procedures for evaluating applications submitted by eligible municipalities.

(3) Procedures for the administration of program activities and funds by grantees.

(4) Procedures for monitoring grantees and for hearings.

(b) Make final awards of grants and enter into contractual relationships with grantees for administering funds.

II. The commissioner shall provide advice and assistance to municipalities in dealing with community development concerns and problems.

III. The commissioner is authorized to accept federal funds to administer the small cities community development block grant program in accordance with the provisions of this subdivision.

#### 12-A:56 Procedures for Administration.

I. All funds allocated to the state under the federal act, except for an amount not exceeding the maximum allowable under the federal act available to the state for administrative costs, shall be allocated to eligible municipalities.

II. All municipalities shall be eligible to apply for and receive funds under this subdivision except for entitlement municipalities.

III. The allocation system shall be competitive and shall provide the opportunity for any eligible municipality to compete for funding for community development projects.

IV. The department shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subdivision shall complete and submit an application in accordance with the rules adopted under RSA 4-C:16, I(a).

V. The commissioner shall evaluate the relative merits of the applications based on the rules, criteria, and procedures adopted under RSA 4-C:16.

#### 12-A:57 Remedies for Noncompliance.

I. If the commissioner finds, after reasonable notice and opportunity for hearing, that a grantee under this subdivision has failed to comply substantially with the provisions of this subdivision, the rules adopted under this subdivision, or applicable provisions of federal law, the commissioner, until he or she is satisfied that there is no longer any such failure to comply, may:

(a) Terminate payments to the grantee under this subdivision; or

(b) Limit the availability of payments under this subdivision under such conditions as he or she may establish.

II. In lieu of, or in addition to, any action authorized in paragraph I, the commissioner may refer the matter to the attorney general of the state of New Hampshire with a recommendation that an appropriate civil action be instituted.

27 Applicability of Rules Relative to the Community Block Grant Program. The rules established under RSA 4-C:16 shall continue in force and effect under the community development block grant program administered by the department of resources and economic development and shall expire on the date scheduled for expiration prior to the adoption of this act.

28 Repeal. RSA 4-C:11-18, relative to the community block grant program, is repealed.

29 Supreme Court Costs; Entry Fees. Amend RSA 490:24 to read as follows:

#### 490:24 Entry Fees.

I. For the benefit of the general fund of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court.

***II. The sum of \$20 shall be added to each case entry fee and fee for a motion to bring forward collected in the supreme, superior, district, family and probate courts, and these sums shall be deposited in the general fund.***

30 Autopsy Expenses. RSA 611:17 is repealed and reenacted to read as follows:

611:17 Autopsy Expenses. Autopsy expenses shall be morgue costs, microscopic processes, toxicology, transport, and x-ray costs. All claims for autopsy expenses shall be submitted to the office of the chief medical examiner, which shall authorize such claims and submit them for payment as follows:

I. For autopsies ordered by the county attorney, such claims shall be approved by the county attorney and submitted for payment to the county treasurer.

II. For autopsies ordered by the attorney general or the chief medical examiner, such claims shall be submitted for payment to the state treasurer, chargeable to the account of the chief medical examiner's office.

III. For autopsies made at the request of the commissioner of the department of health and human services and conducted in the presence of the medical examiner or designee, such claims shall be submitted for payment to the department of health and human services.

31 Repeal. The following are repealed:

I. RSA 611:7-a, relative to payment of autopsy costs by the department of health and human services.

II. RSA 611-A:9, relative to county liability for expenses of autopsies.

32 Enhanced 911 System; Funding; Transfers from Enhanced 911 System Fund. Amend RSA 106-H:9 to read as follows:

106-H:9 Funding; Fund Established.

I. The enhanced 911 system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. Such fund ~~[shall be continually appropriated to the bureau and]~~ shall not lapse. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the enhanced 911 services surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the development of the enhanced 911 data base and other operations necessary to the development of the enhanced 911 system.

***III. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system, the bureau may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the bureau for such purposes.***

33 Department of State; Office Fees; Fees for Apostilles, For Certificates for Notaries and Justices of the Peace, and For Expedited Service Added. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, \$50; for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; ***for every apostille provided under the Hague Convention of 1961 and for every certificate for a notary public or justice of the peace, \$10;*** for every other certificate under seal of the state, \$5; for engrossing private acts, \$1 for each page of 240 words; ***for expedited service of every 10 documents or any part thereof, \$25.***

34 Solemnization of Marriage; Increase in Fee for Special Commission to Perform Marriage. Amend RSA 457:32 to read as follows:

457:32 Special Commission. The secretary of state may issue a special license to an ordained or non-ordained minister residing out of the state, or to an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, authorizing him or her in a special case to marry a couple within the state. In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority. The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be ~~[\$5]~~ \$25. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

35 Transfer of Funds from Secretary of State to Election Fund. Notwithstanding any other provision of law, for the biennium ending June 30, 2005, the first \$75,000 collected in each fiscal year by the secretary of state pursuant to RSA 5:10 shall be deposited into the election fund established in RSA 5:6-d.

36 Transfer of Funds from Secretary of State to Election Fund. Notwithstanding any other provision of law, for the biennium ending June 30, 2005, the first \$10,000 collected in each fiscal year by the secretary of state pursuant to RSA 457:32 shall be deposited into the election fund established in RSA 5:6-d.

37 Investor Education Fund Credited to General Fund. Notwithstanding RSA 421-B:21, II-c and RSA 421-B:26, IV, funds in the investor education fund in excess of \$653,500 at the end of the fiscal year ending June 30, 2004 shall be credited to the general fund.

38 Contingency. If HB 577-FN-A-LOCAL of the 2003 regular session becomes law, then sections 35 and 36 of this act shall take effect July 1, 2003. If HB 557-FN-A-LOCAL of the 2003 regular session does not become law, then sections 35 and 36 of this act shall not take effect.

39 Special Education; State Aid; Transfer to General Fund. Notwithstanding RSA 186-C:18, \$2,000,000 of unexpended funds appropriated under RSA 186-C:18 for the biennium ending June 30, 2003, shall be transferred to the general fund for the biennium ending June 30, 2005.

40 Department of Administrative Services; Purchases; Exemption for Regional Community-Technical Colleges. Amend RSA 21-I:18, I-a to read as follows:

I-a. The New Hampshire regional community-technical colleges shall not be required to make purchases through the director of plant and property management *or utilize the services of the bureau of graphic services* unless it so chooses. The regional community-technical colleges shall make purchases under competitive bidding requirements except when waived by the commissioner of the regional community-technical colleges, or a designated agent, upon written justification.

41 Transfers Among Accounts; Department of Health and Human Services. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2005 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

42 Health Insurance Portability and Accountability Act: Nonlapsing Funds; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the appropriations made by 2001, 130 or subsequently accepted and allocated to 05, 01, 03, 01, office of information systems management systems, class 031, computer enhancement-HIPAA, shall not lapse until June 30, 2005.

43 Residential Care and Health Facility Licensing; Reinspection Fee. Amend RSA 151:4, V to read as follows:

V. The department of health and human services shall not accept or process the license application of a facility operating under suspension or revocation of a license until any violation of this chapter or of rules adopted thereunder has been corrected and the facility has paid to the department a reinspection fee equal to the annual license fee established ~~[in]~~ pursuant to RSA 151:5.

44 Residential Care and Health Facility Licensing; Licenses. Amend RSA 151:5 to read as follows:  
151:5 Licenses.

1. Licenses issued hereunder shall expire one year after the date of issuance, or upon such uniform dates annually, as the department of health and human services shall prescribe by rule. Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. Fees for an annual license shall be[:

(a) Facilities with inpatient beds; \$2.50 per bed per year.

(b) Laboratories; \$65 per year for each category of testing licensed.

(c) Facilities without inpatient beds; \$50 per year.

(d) Home health care providers; \$20.00 per year.

H. "~~Inpatient bed~~" in this section means ~~a bed held out for continuous overnight occupancy]~~  
*set by rules adopted by the commissioner of the department of health and human services pursuant to RSA 541-A.*

45 Residential Care and Health Facility Licensing; Rules. Amend RSA 151:9, I(d) to read as follows:

(d) License *fees and* expiration dates under RSA 151:5.

46 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, a longevity payment is hereby authorized in the amount of \$4,400 for position 9U392, executive assistant to the commissioner for years 1988 through 2001. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2004-2005 operating budget (HB 1-A) for positions that are not filled.

47 New Section; Business Enterprise Tax; Credit; Residential Care and Health Facilities. Amend RSA 77-E by inserting after section 13 the following new section:

77-E:13-a Credit; Residential Care and Health Facilities. Business enterprises and other organizations licensed pursuant to RSA 151:2, I(e) shall be allowed a credit against the taxes due under this chapter. The credit shall be limited to the amount of any state assessment, except taxes, including any interest, additions, or penalties, collected pursuant to RSA 77-A or this chapter, paid by such business enterprise or organization which is not otherwise reimbursed or refunded from any other source whether local, state, or federal. In the event that the business enterprise or other organization does not have a business enterprise tax liability for the year in which credit is claimed, a refund of such otherwise non-reimbursed or non-refunded state assessment may be issued to such enterprise or organization.

48 Recognizing Out-of-State Registration of Radiation Machines. Amend RSA 125-F:7 to read as follows:

125-F:7 Licensing and Registration of Sources of Radiation.

I. When adopting rules under RSA 541-A, the department, through its program, shall provide for general or specific licensing of naturally occurring, artificially produced, byproduct, source, and special nuclear materials or devices or equipment utilizing such material. The rules shall provide for amendment, suspension, and revocation of licenses.

II. The department, through its program, may require registration of other sources of radiation.

III. The department, through its program, is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements of this section, provided they shall be specifically named in a schedule of such exempt uses, users, or sources of radiation within the context of rules adopted under RSA 541-A.

IV. The rules may provide for recognition of other state or federal licenses *and radiation machine registration* as the program may deem desirable, subject to such registration requirements, *including the payment of such fees*, as the department, through its program, may establish.

49 Recognizing Out-of-State Registration of Radiation Machines. Amend RSA 125-F:8 to read as follows:

125-F:8 Radiation User and Laboratory Fees.

I. The department, through its program, shall prescribe and collect such fees as may be established by rule for radiation protection services provided under this chapter. Services for which fees may be established include:

(a) Registration of radiation equipment and other sources of radiation;

(b) Issuance, amendment, and renewal of *general or* specific licenses for radioactive materials *as well as the recognition of other state and federal licenses and radiation machine registrations in accordance with RSA 125-F:7, IV;*

(c) Inspections of registrants or licensees;

(d) Environmental surveillance activities to assess the radiological impact of activities conducted by licensees;

(e) Evaluation of products to be distributed to persons generally licensed or persons exempt from licensing; and

(f) Laboratory radiochemical sample analyses.

**(g) Radiological response and radiation safety assessments.**

II. When a registrant or licensee fails to pay the applicable fee, the program may suspend or revoke the registration or license or may issue an appropriate order.

III. Except as provided in paragraph IV, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.

**V. Application fees collected under this provision shall not be refundable.**

50 Department of Health and Human Services; Audit of Medicaid Program. The commissioner of the department of health and human services shall, prior to November 1, 2003, conduct an audit of the medicaid health program, including health services and prescription and generic drugs, in order to ascertain compliance with RSA 126-A:3, III. The audit shall be submitted to the fiscal committee of the general court on or before November 1, 2003.

51 New Section; State Employee Health Insurance; Self-Insured Plans. Amend RSA 21-I by inserting after section 21-I:30-c the following new section:

21-I:30-d State Employee Health Insurance; Self-Insured Plan Required. Notwithstanding any provision of law to the contrary, the commissioner of administrative services shall implement a self-insured health plan for all state employees and their families and retired state employees and their spouses.

52 New Paragraph; Department of Administrative Services; Rulemaking; Self-Insured Health Plan. Amend RSA 21-I:14 by inserting after paragraph XIII the following new paragraph:

XIII-a. Management of the state employee self-insured health plan under RSA 21-I:30-d.

53 Transfer from Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, in the event of a general fund operating budget deficit at the close of fiscal year 2003 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit.

54 The Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2005, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

55 Tobacco Use Prevention Funds Deposited in General Fund. Notwithstanding RSA 126-K:15, for the biennium ending June 30, 2005, \$3,000,000 of the tobacco settlement funds received by the state of New Hampshire shall not be deposited in the tobacco use prevention fund. In addition, notwithstanding any other provision of law, the balance of the tobacco use prevention fund as of June 30, 2003, shall lapse to the general fund.

56 Effective Date.

I. Sections 25, 53, and 55 of this act shall take effect June 30, 2003.

II. Paragraph I of section 20 of this act shall take effect as provided in section 21 of this act.

III. Sections 35 and 36 of this act shall take effect as provided in section 38 of this act.

IV. Section 50 of this act shall take effect upon its passage.

V. Sections 51 and 52 of this act shall take effect July 1, 2004.

VI. The remainder of this act shall take effect July 1, 2003.

## AMENDED ANALYSIS

This bill:

I. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2005.

II. Amends the criteria for rules adopted by the department of health and human services relative to earned income and eligibility for aid to the permanently and totally disabled.

III. Provides that the commissioner of the department of health and human services may implement a preferred drug list program with fiscal committee approval.

IV. Provides that the governor may choose not to take a salary and may designate the money for employee incentives.

V. Establishes the nurses stat program to provide scholarship assistance to nursing students who will serve in New Hampshire and to provide grants to the regional community-technical colleges.

VI. Establishes the can-do incentive program, a state employee efficiency and cost-savings program administered by the department of administrative services.

VII. Repeals the health care transition fund and lapses the remainder of the fund to the general fund.

VIII. Establishes the start-up NH grants program to award grants to New Hampshire college students to start a new business in New Hampshire.

IX. Establishes the garage grants program to assist in the formation of business incubators in New Hampshire with priority to be given to incubators which will be located in towns or cities in the state where the median income level of residents falls below the statewide average.

X. Provides that qualified, state employees laid off between January 1, 2003 and July 1, 2005 shall be given hiring priority for open positions in state government.

XI. Changes the name of the office of state planning to the office of state planning and program management.

XII. Establishes the e-ticket to learning matching grants program to provide matching grants to public schools to implement new distance or e-learning programs.

XIII. Establishes the governor's office of information technology, under the direction of a chief information officer, and transfers the functions of the division of information technology management to the office of information technology.

XIV. Provides that the chief information officer shall oversee state information technology plans.

XV. Amends the "Webster" advisory board to include the role of the chief information officer and adds a representative of municipal government to the board.

XVI. Provides that a portion of the department of environmental services' lab equipment revolving fund shall lapse to the general fund.

XVII. Transfers the community development block grant program from the office of state planning to the department of resources and economic development.

XVIII. Adds \$20 to certain court filing fees.

XIX. Changes the procedures for payment of autopsy expenses by the state and by counties.

XX. Requires that the joint legislative fiscal committee approve transfers from the enhanced 911 system fund that are above original budget estimates for the enhanced 911 system.

XXI. Amends fees charged by the secretary of state.

XXII. Transfers certain funds collected by the secretary of state to the election fund for the biennium ending June 30, 2005, contingent on the passage of HB 577-FN-A-LOCAL, which establishes the election fund.

XXIII. Provides that funds in the investor education fund excess of \$653,500 at the end of fiscal year 2004 shall be credited to the general fund.

XXIV. Provides that, for the biennium ending June 30, 2005, \$2,000,000 of unexpended catastrophic special education aid shall not be distributed for court-ordered placements but shall be transferred to the general fund.

XXV. Provides that the regional community-technical colleges shall not be required to utilize the services of the bureau of graphic services unless they choose to do so.

XXVI. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

XXVII. Makes certain appropriations allocated in 2001, 130 to the office of information systems nonlapsing.

XXVIII. Requires the commissioner of the department of health and human services to set fees for residential care and health facilities.

XXIX. Authorizes a longevity payment for a certain position in the department of health and human services. Funding for the longevity payment shall be from appropriations for positions that are not filled.

XXX. Establishes a refundable credit against business enterprise taxes for certain unreimbursed health facility assessments.

XXXI. Provides for recognition of out-of-state registration of radiation producing machines.

XXXII. Requires the department of health and human services to conduct an audit of the medicaid program by November 1, 2003.

XXXIII. Requires the commissioner of the department of administrative services to implement a state employee self-insured health insurance program.

XXXIV. Permits unconditional transfers from the revenue stabilization reserve account to eliminate general fund operating budget deficits at the close of fiscal year 2003.

XXXV. Provides that, for the biennium ending June 30, 2005, revenue generated by the liquor commission shall be deposited in the general fund.

XXXVI. Provides that, for the biennium ending June 30, 2005, \$3,000,000 of New Hampshire's tobacco settlement funds shall not be deposited in the tobacco use prevention fund, and the balance of the fund as of June 30, 2003 shall lapse to the general fund.

Adopted.

Rep. Whalley offered floor amendment (1289h).

### Floor Amendment (1289h)

Amend paragraphs V and VI of section 56 of the bill by replacing them with the following:

V. The remainder of this act shall take effect July 1, 2003

Floor amendment (1289h) adopted.

Rep. Marjorie Smith requested a roll call; sufficiently seconded.

The question being adoption of the amended committee report.

### YEAS 251 NAYS 126

#### YEAS 251

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedea, Stephen	Pilliod, James
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsy	Philbrick, Donald
Stevens, Stanley			

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Royce, H Charles		

#### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
Woodward, David			

#### GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbreton, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargas, Carolyn	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Graham, John

Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Infantine, William  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir

Hagan, Barbara  
Harrington, Paul  
Holden, Randolph  
Jasper, Shawn  
Laflamme, Charles  
Luebker, Bernard  
Mercer, Robert  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
Johnson, Lionel  
LaFlamme, Paul  
McElroy, Henry Jr  
Messier, Irene  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Stepanek, Stephen

Hallyburton, Margaret  
Haytayan, Harry Jr  
Hunter, Bruce  
Kerns, J Edward  
Lawrence, James  
McHugh, Claire  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Sullivan, Jeffrey

## MERRIMACK

Anderson, Eric  
DeStefano, Stephen  
Fraser, Leo Jr  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James

Colcord, J D  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Ouellette, Robert

Currier, David  
Field, William  
Kenison, Leon  
Leber, William  
McCormick, Tom  
Reed, Dennis

Daniels, Eric  
Foley, Albert  
Kennedy, Richard  
MacKay, James  
Nutter, Edward  
Soltani, Tony

## ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Introne, Robert  
Kelley, Jane  
Major, Norman  
Moore, Benjamin  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Belanger, Ronald  
Cady, Harriet  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Kobel, Rudolph  
McCann, Richard  
Morris, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weare, E Albert  
Winchell, George

Bicknell, Elbert  
Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Ingram, Russell  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Cataldo, Sam  
Hollinger, Jeffrey  
Twombly, James

Bemis, Alan  
Dunlap, Patricia  
Musler, George  
Woods, Phyllis

Bickford, David  
Easson, Timothy  
Newton, Clifford

Campbell, W Packy  
Harrington, Michael  
Scott, David

## SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

## NAYS 126

## BELKNAP

Rice, Thomas

None

## CARROLL

## CHESHIRE

Allen, Peter  
Espieffs, Peter

Batchelder, Robert  
Manning, Joseph

Dunn, James  
Meader, David

Eaton, Daniel  
Mitchell, McKim



Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Pratt, Irene  
Slack, Pamela

Pratt, John  
Tilton, Anna

Richardson, Barbara  
Webber, Amy

## COOS

Mears, Edgar

Poulin, Richard

## GRAFTON

Akins, Ralph  
Cooney, Mary  
Scovner, Nancy

Almy, Susan  
Densmore, Edward  
Sokol, Hilda

Benn, Bernard  
Hammond, Lee  
Solomon, Peter

Beyler, Ruth  
Nordgren, Sharon

## HILLSBOROUGH

Baroody, Benjamin  
Clemons, Jane  
Gorman, Mary  
Katsiantonis, Thomas  
Lasky, Bette  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Brassard, Paul  
Cote, David  
Haley, Robert  
Konys, Christine  
Leach, Edward  
Palangas, Eric  
Shaw, Barbara  
Tate, Joan

Buckley, Raymond  
Cote, Peter  
Irwin, Anne-Marie  
Kopka, Angeline  
Lefebvre, Roland  
Pappas, Christopher  
Sullivan, Francis  
Wheeler, James

Clayton, William  
Craig, James  
Jean, Claudette  
Kudalis, Debra  
McDonough-Wallace, Alice  
Pilotte, Maurice  
Sullivan, Peter

## MERRIMACK

Blanchard, Elizabeth  
Davis, Frank  
Hager, Elizabeth  
Osborne, Jessie  
Reardon, Tara

Bouchard, Candace  
DeJoie, John  
Hamm, Christine  
Owen, Derek  
Rush, Deanna

Brueggemann, Donald  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Wallner, Mary Jane

Clarke, Claire  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances

## ROCKINGHAM

Blanchard, MaryAnn  
Corbin, Corey  
Norelli, Terie  
Shultis, Elizabeth

Casey, Kimberley  
Davidson, Robert  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Johnson, Robert  
Pitts, Jacqueline  
Vallone, Matthew

Cooney, Richard  
McEachern, Paul  
Robertson, Carl  
Welch, David

## STRAFFORD

Beube, Roger  
Heon, Richard  
Keans, Sandra  
Rous, Emma  
Spang, Judith

Callaghan, Frank  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Creteau, Irene  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Snyder, Clair  
Wall, Janet

## SULLIVAN

Allison, David  
Ferland, Brenda  
Phinzy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

and the amended committee report was adopted.  
Ordered to third reading.

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices.  
(Amendments printed SJ 4/17/03)

Rep. Royce moved that the House concur and spoke in favor.  
Adopted.

## RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by

title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 8, 2003 at 10:00 a.m.  
Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 24**, relative to license revocations for DWI offenders under the age of 21.

**SB 22**, amending the duties of the public higher education study committee.

**SB 26**, removing the penalty against teachers who fail to keep registers.

**SB 51-FN**, relative to membership on the New England Board of Higher Education.

**SB 68**, authorizing electronic certification of educational credentials.

**SB 170**, relative to Public Service of New Hampshire.

**SCR 3**, urging maintenance of funding for the Low Income Home Energy Assistance Program.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

### UNANIMOUS CONSENT

Rep. Weare addressed the House.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 12:40 p.m.

### RECESS

(Rep. Batula in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 64, 86, 101, 263, 305, 321, 498, 502, 678 and 833.

Rep. Currier, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENT

**HB 104-FN**, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

#### Amendment (1330-EBA)

Amend RSA 132-A:1 as inserted by section 1 of the bill by replacing line 1 with the following:  
132-A:1 Definitions. In this chapter:

Adopted.

### RECESS

(Rep. Hess in the Chair)

### ENROLLED BILL AMENDMENT

**SB 170**, relative to Public Service of New Hampshire. (Amendment printed SJ 4/17/03)

Adopted.

### RECESS

(Rep. Whalley in the Chair)

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 170.

Rep. Francoeur, Sen. Clegg for the Committee

### RECESS

**(Rep. Letourneau in the Chair)****SENATE MESSAGES****CONCURRENCE**

**HB 120**, relative to sessions for the correction of the checklist and sessions for changes of party registration.

**HB 181**, relative to limiting landowner liability for giving permission for horseback riding.

**HB 182**, relative to unclaimed shares and advancements to heirs.

**HB 183**, relative to a distribution from a decedent's estate to a minor.

**HB 186**, relative to the effect of divorce or annulment upon trusts.

**HB 358-FN-L**, relative to recount fees in local elections.

**HB 485**, relative to the membership on the invasive species committee.

**NONCONCURRENCE**

**HB 769**, relative to the lighting of certain advertising devices along highways.

**RECESS****(Rep. Welch in the Chair)****SENATE MESSAGES****CONCURRENCE**

**HB 57**, relative to the use of inhalers by pupils and campers with asthma.

**HB 59**, relative to court reporting.

**HB 60**, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

**HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies.

**HB 132**, relative to state scholarships for orphans of veterans.

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law.

**HB 184**, relative to distribution upon intestacy.

**HB 435**, relative to certificates of registration upon transfer of a vehicle.

**HB 616-FN-L**, relative to the Hampton real estate trust fund.

**CONCURRENCE WITH AMENDMENT**

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 61, 104, 120, 126, 151, 156, 181, 183, 186, 223, 277, 358, 469, and 485 and Senate Bills numbered 24, 26, 51, and 68.

Rep. Currier, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENTS**

**SB 22**, adding to the duties of the public higher education study committee. (Amendment printed SJ 4/24/03)

Adopted.

**SCR 3**, urging maintenance of funding for the Low Income Home Energy Assistance Program. (Amendment printed in SJ 4/24/03)

Adopted.

**RECESS****(Rep. Francoeur in the Chair)****ENROLLED BILL AMENDMENTS**

**HB 182**, relative to unclaimed shares and advancements to heirs.

**Amendment (1390 - EBA)**

Amend the bill by replacing paragraphs I and II of section 3 to read as follows:

I. RSA 561:14, relative to adjustment of the share of a decedent's estate distributed to an heir.

II. RSA 561:15, relative to transfer by deed as an advancement to an heir from a decedent's estate  
Adopted.

**HB 732-FN**, relative to fines for forestry law violations, relative to deceptive forestry business practices, establishing a commission to study setback requirements for land application of septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

#### **Amendment (1364-EBA)**

Amend section 4 of the bill by replacing line 1 with the following:

4 Pleas by Mail; Noncomputerized Courts. Amend RSA 502-A:19-b, I to read as follows:

Amend section 5 of the bill by replacing line 1 with the following:

5 Pleas by Mail; Computerized Courts. Amend RSA 502-A:19-b, I to read as follows:

Amend RSA 502-A:19-b, I as inserted by section 5 of the bill by replacing line 4 with the following: misdemeanor or felony; ~~and~~ the usual fines for violations of the provisions of title XVIII on fish and  
Amend RSA 79:31, I as inserted by section 7 of the bill by replacing line 2 with the following: average stumpage value list referenced in RSA 79:1, III(b).

Amend RSA 79:31, II as inserted by section 7 of the bill by replacing line 5 with the following: available to the public on its internet site and by any other cost-effective means.

Amend subparagraph 1(n) of section 10 of the bill by replacing line 1 with the following:

(n) One member of the Natural Resources Conservation Service, appointed by such

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Applicability; Pleas by Mail. Section 4 of this act shall apply only to courts which are not computerized in coordination with the division of motor vehicles. Section 5 of this act shall apply only to courts which are computerized in coordination with the division of motor vehicles  
Adopted.

#### **RECESS**

**(Rep. McElroy in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 60, 132, 172, 182, 184, 435, 616, and 732 and Senate Bill numbered 22.

Rep. Currier, Sen. D'Allesandro for the Committee

#### **ENROLLED BILL AMENDMENTS**

**HB 57**, relative to the use of inhalers by pupils and campers with asthma.

#### **Amendment (1457-EBA)**

Amend RSA 200:42, I (f) as inserted by section 1 of the bill by replacing line 2 with the following: of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

Amend RSA 485-A:25-b, I (f) as inserted by section 2 of the bill by replacing line 2 with the following: of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.  
Amend the bill by replacing all after section 2 with the following:

3 New Subdivision; Education; Health and Sanitation; Use of Asthma Medications by Pupils.  
Amend RSA 200 by inserting after section 45 the following new subdivision:  
Use of Asthma Medications by Pupils

200:46 Possession and Self-Administration of Asthma Inhalers Permitted. A pupil may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

(a) The pupil's name.

(b) The name and signature of the licensed prescriber and business and emergency numbers.

(c) The name, route, and dosage of medication.

(d) The frequency and time of medication administration or assistance.

(e) The date of the order.

(f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

(g) Specific recommendations for administration.

(h) Any special side effects, contraindications, and adverse reactions to be observed.

(i) At least one emergency telephone number for contacting the parent or guardian.

(j) The name of each required medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an asthma inhaler in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the inhaler at school or at any school sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:47 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an inhaler if the provisions of RSA 200:46 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a pupil.

4 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-e the following new sections:

485-A:25-f Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

(a) The child's name.

(b) The name and signature of the licensed prescriber and business and emergency numbers.

(c) The name, route, and dosage of medication.

(d) The frequency and time of medication administration or assistance.

(e) The date of the order.

(f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

(g) Specific recommendations for administration.

(h) Any special side effects, contraindications, and adverse reactions to be observed.

(i) The name of each required medication.

(j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

485-A:25-g Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-f have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

5 Contingency; Effective Date; Renumbering. If HB 92 of the 2003 legislative session becomes law, then sections 3 and 4 of this act shall take effect August 15, 2003 and sections 1 and 2 of this act shall not take effect. If HB 92 of the 2003 legislative session does not become law, then sections 1 and 2 of this act shall take effect August 15, 2003 and sections 3 and 4 of this act shall not take effect.

**6 Effective Date.**

I. Sections 1-4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 59**, relative to court reporting.

**Amendment (1456-EBA)**

Amend RSA 331-B:2 as inserted by section 1 of the bill by replacing line 1 with the following:  
331-B:2 Definitions. In this chapter:

Amend RSA 331-B:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall elect a chairperson and a secretary from its members on an annual basis.

Amend RSA 331-B:9, II as inserted by section 1 of the bill by replacing it with the following:

II. Has paid the fee required by this chapter; and

Adopted.

**HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies.

**Amendment (1449-EBA)**

Amend RSA 200:44 as inserted by section 1 of the bill by replacing line 2 with the following:  
assigned to the school building, the school principal shall maintain for a pupil's use at least one

Amend section 2 of the bill by replacing line 2 with the following:

Epinephrine Auto-Injectors at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the

Amend RSA 485-A:25-d as inserted by section 2 of the bill by replacing line 3 with the following:  
a child with severe allergies at least one epinephrine auto-injector, provided by the child, in the

Adopted.

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. (Amendment printed SJ 4/24/03)

Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 16

Thursday, May 8, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gracious God, You see us living through difficult days yet surrounded by more natural beauty than our eyes or minds can fully comprehend. We thank You for the wonders of creation and for the mystery of life. May the decisions made here today in this honorable House reflect great appreciation for each and every citizen and for the keeping and preserving of the natural beauty of our beloved New Hampshire.

As always, we ask for Your protective hand to be upon those who serve in the armed forces, law enforcement, emergency medical services, and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Arthur Tufts led the Pledge of Allegiance.

The National Anthem was sung by Lindsey Jean Tufts, a senior at Exeter High School and granddaughter of Rep. Tufts.

### LEAVES OF ABSENCE

Reps. Carlson, Flanagan, Fletcher, Ford, Katsiantonis, Kenison, Robert Laflam, John Manning, Seldin, Solomon and Spang, the day, illness.

Reps. Nelson Allan, Timothy Allen, Barker, Baroody, Barry, Bridle, Callaghan, Campbell, Corbin, Dokmo, Fitzgerald, Flayhan, Fraser, Furman, Gonzalez, Hallyburton, Hinkle, Hollinger, Lessard, Meader, Mock, Norelli, John Pratt, Reardon and Stevens, the day, important business.

Reps. Clemons and Guay, illness in the family.

### INTRODUCTION OF GUESTS

Daniel Cady and Heather Ortakales, Pages for the day. Jack Roche, guest of Rep. Scott. Pete Bleyler, husband of Rep. Bleyler. Kathy and Gary Gillman, sister and brother-in-law of Rep. Elizabeth Blanchard.

### SPECIAL GUESTS

Moultonborough Panthers Girls Volleyball Team, the 2002 Class S State Champions and John Garneau, coach, guests of the Moultonborough delegation.

Gilford High School Girls Volleyball Team, the 2002 Class M State Champions and Joan Forge, head coach, guests of the Gilford delegation.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 57, 59, 92 and Senate Bill numbered 104.

Rep. Currier, Sen. D'Allesandro for the Committee

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 179**, establishing a committee to study enhancement of laws relating to vehicle pursuits. (Amendment printed SJ 4/17/03)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 212**, defining "terrorize" for the purpose of criminal threatening. (Amendment printed SJ 4/24/03)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 831**, establishing a New Hampshire end-of-life care study commission. (Amendments printed SJ 4/17/03)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 77**, establishing a committee to study the process of de novo appeals from the district courts. (Amendment printed SJ 4/24/03)

Rep. Rowe moved that the House concur and spoke in favor.

Adopted.

**HB 244**, establishing a committee to study landowner liability for owners providing public access to snowmobile trails. (Amendment printed SJ 4/24/03)

Rep. Rowe moved that the House concur and spoke in favor.

Adopted.

**HB 253**, relative to the design build concept for certain projects. (Amendments printed SJ 4/10/03)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

**HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. (Amendment printed SJ 4/17/03)

Rep. Thomas moved that the House concur and spoke in favor.

Adopted.

**HB 127**, establishing a committee to study the effectiveness and fairness of county government. (Amendments printed SJ 4/10/03)

Rep. Patten moved that the House nonconcur and spoke in favor.

Adopted.

**HB 310**, establishing a commission to study child support issues. (Amendments printed SJ 4/10/03)

Rep. Moran moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arnold, Hallyburton, Bickford and Elizabeth Blanchard.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (Amendment printed SJ 4/24/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tholl, Stevens, Knowles, and Fesh.

**HB 361-L**, permitting municipalities to form regional water districts. (Amendments printed SJ 4/10/03)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Brundige, Lockwood, Boyce and Nancy Johnson.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 140-FN**, establishing an optional renewal period for licenses to carry a pistol or revolver, removed by Rep. Welch.

**SB 18-FN**, relative to vehicle stops at railroad grade crossings, removed by Rep. Weldy.

Consent Calendar adopted.

**SB 33-FN**, establishing a putative fathers' registry in the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold Jr. for Children and Family Law: The committee found that there is a putative fathers' registry in the Child Support Enforcement Office which can be used for the purposes of SB 33. The bill is therefore unnecessary. Vote 15-0.



**SB 48**, exempting housing for older persons from certain age discrimination laws. **OUGHT TO PASS**  
Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation clarifies what is a conflict between RSA 354-A: 15 and Human Rights Commission Rule (Hum) 303. The conflict even goes deeper. The Human Rights Commission Rules Hum 302 and Hum 303 are equally in conflict. There is no question that by the terms of RSA 354-A: 15 it was the intent of the General Court that qualified retirement communities would be permitted to exclude children under the age of 18. No provisions in this chapter regarding familial status or age apply with respect to housing for older persons. Vote 15-0.

**SB 165**, relative to the voluntary dissolution of nondepository trust companies. **OUGHT TO PASS**  
Rep. Paul D. Spiess for Commerce: The bill establishes a regulatory process, to be administered and supervised by the New Hampshire Banking Department, for the liquidation or conversion of a non-depository trust company. The new procedures, which provide an option to the current judicial process, set forth the application and filing requirements, as well as the requirements for a plan of conversion, written reports of the companies intent, and required capital levels. After review by the banking department, the application, reports and plan must be submitted and approved by the Board of Trust Company Incorporation before the dissolution or conversion can take place. The bill also sets forth reporting and compliance requirements with the Secretary of State. Vote 15-0.

**SB 36-FN**, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. **OUGHT TO PASS**  
Rep. Douglas K. Fish for Criminal Justice and Public Safety: This bill allows peace officers to take persons into protective custody when they are impaired by drugs, for the same purpose as that already provided for the safety of persons impaired by alcohol. It establishes a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. Vote 14-0.

**SB 39**, relative to the results of a preliminary breath test as evidence in court. **OUGHT TO PASS**  
Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill allows the use of preliminary breath tests as evidence in court. The test was previously only allowed for use as probable cause. Technology has advanced to a point where the accuracy and reliability of the preliminary breath test instrument is as good as the devices currently utilized for evidentiary breath testing. The preliminary breath test will be admitted as relevant evidence and will be considered along with all other evidence to determine a finding. Taking, or failure to take, a preliminary breath test will not bar the taking of subsequent tests or any additional test if requested. Failure to take a preliminary breath test does not result in any action against the person. Vote 13-0.

**SB 52**, relative to a voluntary certification program for police dogs and handlers. **OUGHT TO PASS**  
Rep. Alan B. Bemis for Criminal Justice and Public Safety: This bill is very straightforward and simplistic in its approach. It provides a centralized program of voluntary training and certification at the Police Standards and Training Academy of New Hampshire for K-9 dogs and their handlers. Vote 13-0.

**SB 79-FN-L**, relative to penalties for the exhibition of fighting animals. **OUGHT TO PASS**  
Rep. Alan B. Bemis for Criminal Justice and Public Safety: RSA 644:8-9, "Exhibition of Fighting Animals", is amended by this bill to add those who breed dogs intended to become participants in fighting exhibitions to the current statute. It also adds the offspring of such dogs. Under current statute, the training of any bird or other animal to be used in fighting exhibitions is punishable as a misdemeanor, and if the animal is a dog, punishable as a class B felony. The amendment eliminates the misdemeanor penalty and makes the breeding and exhibition and training of any bird, dog, or other animal with the intent that it, or its offspring, be engaged in fighting exhibitions a class B felony. The bill also eliminates a misdemeanor penalty for those persons present at an exhibition where birds or other animals are exhibited and raises the penalty to a class B felony as it is currently for the dog-fighting exhibitions. Vote 13-0.

**SB 145-FN-A**, relative to the duties of the board of trustees of the department of regional community-technical colleges. **OUGHT TO PASS**

Rep. Clair A. Snyder for Education: This bill gives the board of trustees of the community-technical colleges the ability to accept and disburse non-general funds such as privately donated funds. They will also have the ability to establish foundations for fund-raising activities. Vote 16-0.

**SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers. **OUGHT TO PASS**

Rep. Nancy Scovner for Education: This bill establishes a study committee to seek ways to expand on the quality mentoring programs currently going on in the state. Mentoring assists novice educators and improves the quality of teaching and has a positive influence on teacher retention and student learning. Vote 16-0.

**SB 57-FN**, relative to certain accounts within the fish and game fund. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: This bill, requested by the Fish and Game Department, would allow for the use of certain Fish and Game fund accounts for fund raising expenses related to those accounts. This bill also repeals the wildlife protection fund, and the raptor conservation account and clarifies the use of nongame species account. This bill was supported by the Fish and Game Department and the New Hampshire Wildlife Federation. Vote 12-1.

**SB 171**, regulating non-agricultural activities which may cause the introduction and spread of infectious wildlife diseases. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: In response to Chronic Wasting Disease, this bill would allow the Executive Director and the Fish and Game Commission to adopt rules regulating non-agricultural activities which may cause the introduction and spread of infectious disease in the state's wildlife resources. This bill is supported by the New Hampshire Fish and Game Department, New Hampshire Wildlife Federation, New Hampshire Farm Bureau, and the state veterinarian. Vote 13-0.

**SB 34**, relative to independent living retirement communities. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee agreed with the Senate action relative to independent living retirement communities. This legislation had the support of the Department of Health and Human Services, the New England Association of Homes and Services for the Aging, and the Hillcrest Retirement Community. Although there are very few independent living retirement communities in New Hampshire, it was felt that some governmental oversight was needed. This bill adds these facilities under RSA 161-J, which establishes standards as to disclosure of information to consumers regarding the provision costs and the type of services provided. It defines independent living retirement communities. A prospective resident is provided with a standard disclosure summary adopted by the Department of Health and Human Services and is allowed a minimum of 24 hours prior to signing. This bill also requires that the owners of these facilities shall file an annual registration statement with the Department of Justice. This bill provides for a level of oversight without requiring micro-management of these facilities. Vote 14-0.

**SB 190**, relative to community living facilities. **OUGHT TO PASS**

Rep. Carolyn Brown for Health, Human Services and Elderly Affairs: Passage of this bill would authorize the Department of Health and Human Services to certify living facilities in the categories of permanent, temporary or emergency basis. These family and individual homes already exist and already are categorized as described above but this bill makes the categories official. These homes provide a service by keeping our developmentally disabled citizens in local and familiar surroundings whenever possible. This bill also protects the individuals in the facilities by keeping the facility owner in compliance to maintain certification. Consequences of non-compliance could be a fine and loss of certification, as is in current law for similar violations. Vote 15-0.

**SB 219**, relative to superior court notice to health care regulatory boards of felony convictions of health care providers. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: RSA 449:10-a in its present state requires superior court clerks to notify the appropriate health care regulatory board whenever a licensed or registered "health care provider" has been convicted of a felony. This amendment limits these clerks' duty to report to those cases where the clerk "reasonably believes or knows" that the person convicted is a licensed health care provider. The committee felt that this change was reasonable since the definitions of "health care providers" appears in numerous statutes and in various contexts. Vote 15-0.

**SB 90-FN**, increasing the cap for relocation assistance for businesses in eminent domain proceedings. **OUGHT TO PASS**

Rep. Chris S. Malloy for Public Works and Highways: The majority of the committee felt that it has been close to thirty years since the state has made an adjustment to the current \$10,000.00 cap increasing reestablishment costs. Reestablishment fees are paid to businesses when their property is taken during an eminent domain proceeding. The proposed cap increases the current amount to \$100,000 to reflect present day economics. Vote 12-2.

Referred to Finance.

**SB 91**, extending the committee to study eminent domain proceedings and adding certain duties. **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: This study committee established by SB 187, Chapter 68, Laws of 2002, has produced several proposals relative to improving the eminent domain statutes and procedures. However, there are still several issues that need further work. An added duty will be to study the public policy implications of having government entities take property by eminent domain in order to make it available to other private entities. The committee strongly supports further study. Vote 17-0.

**SB 129**, relative to the board of tax and land appeals and eminent domain cases. **OUGHT TO PASS**

Rep. John R. Cloutier for Public Works and Highways: This bill authorizes the Board of Tax and Land Appeals to use its staff appraisers to evaluate an eminent domain case and requires the board to make findings of fact as part of its report. This bill was unanimously recommended by a special joint legislative committee, established in 2002, to study eminent domain proceedings. Vote 18-0.

**SB 142-FN**, relative to advertisements on utility poles and highway signs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Vallone for Public Works and Highways: This bill as amended helps to alleviate the problem of the placement of illegal advertisements. In addition, the bill will help to reduce the safety risk posed by the placement of signs on telephone poles. By clarifying the language in current statutes relevant to the illegal placement of advertisement on public and private property, this bill will clearly grant the owner's of objects defaced by illegal advertisements the right to remove the ads without incurring any cost from the advertisement's owner. This bill provides mechanisms whereby those individuals or organizations that place advertisement illegally will be held responsible for the cost of their removal and destruction. Vote 16-0.

#### **Amendment (1453h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Advertisements Prohibited; Removal; Compensation. Amend RSA 236:75 to read as follows:

236:75 No Advertisements of any Kind Upon Certain Objects. Notwithstanding any provisions of the law to the contrary, it shall be unlawful to affix, attach or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign, directly in such a manner that the object of nature, utility pole, telephone booth, or highway sign, is utilized as an integral part of the sign's support as distinguished from being only incidentally a support to the sign, such as the earth or ground upon which a sign is affixed. This prohibition shall extend to all primary and secondary highways and roads of and within the state without exception for any type of advertising. *The owner of an object upon which an advertisement is placed in violation of this section shall be entitled to remove and destroy the advertisement and the advertisement owner shall not be entitled to damages or compensation therefor. The object owner shall be entitled to collect the costs associated with the removal and destruction from the advertisement owner or the person who is responsible for placing the advertisement on the object in violation of this section.*

2 Effective Date. This act shall take effect January 1, 2004.

#### **AMENDED ANALYSIS**

This bill allows the owner of certain objects upon which a person has unlawfully posted an advertisement to remove the advertisement and recover the costs of removal from the advertisement owner or the person who is responsible for posting it.

**SB 161**, relative to procedures in eminent domain proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terri Norelli for Public Works and Highways: This bill was introduced as a result of recommendations made by the committee to study eminent domain procedures. It provides that: 1) a condemnor disclose that it does not represent the rights of the condemnee; 2) the condemnor provide a copy of its appraisal to the condemnee early in the process, and 3) the condemnee is entitled to reimbursement if the condemnee gets an appraisal. It also clarifies that the abandonment of project statute, RSA 498-A:12, II, applies both to properties taken by condemnation and properties taken by agreement. Because of the potential for significant state cost, the amendment removed a proposed provision that would have allowed a condemnee the option of electing to have the entire property condemned rather than just a portion. Vote 16-0.

### **Amendment (1451h)**

Amend the bill by replacing all after the enacting clause with the following:

I Preliminary Steps to Initiating Action. RSA 498-A:4 is repealed and reenacted to read as follows:

498-A:4 Preliminary Steps to Initiating Action.

I. DISCLOSURE. At the initial contact with a property owner, the condemnor shall provide to the condemnee information regarding acquisition and relocation. Such information shall include a disclosure, conspicuously located, which states that the condemnor does not represent the rights of the condemnee and that the condemnee may want to obtain independent advice or unbiased counsel.

#### **II. APPRAISAL.**

(a) The condemnor shall have an impartial, qualified appraiser make at least one appraisal of all property proposed to be acquired. The appraiser shall make reasonable efforts to confer with the condemnees or their personal representatives.

(b) Every condemnee who is the subject of a property acquisition shall have a reasonable opportunity to have his or her property appraised by an independent, qualified appraiser, employed by the condemnee. The condemnor shall reimburse the usual and customary cost of the appraisal up to \$1,000.

(c) Before making the offer provided for in paragraph III, the condemnor shall make reasonable efforts to negotiate with the condemnees or their personal representatives for the purchase of the property, but failure to confer or negotiate shall not be a defense to condemnation of a property. Any sum of money or other consideration discussed by either the condemnor or the condemnee during any such negotiations shall not be admissible in evidence and shall not be referred to in any proceedings for the determination of just compensation.

(d) Within 10 days of receipt of a notice of offer provided for in paragraph III of this section a municipal condemnee shall, at the request of the condemnor, furnish the condemnor with the estimated amount of unpaid taxes, fees and interest for which notice has not been recorded at the registry of deeds for the county in which the property is located. Failure to timely provide such estimate shall not affect any right of a municipal condemnee under this chapter.

(e) When the condemnor is the department of transportation, the condemnor shall review any independent appraisals for accuracy before formulating a notice of offer.

(f) The condemnor shall provide a copy of the appraisal, and if requested, any official appraisal review notes upon which the negotiations are based, to the condemnee at the time of negotiation or at least 45 days prior to making the notice of offer, whichever comes first.

#### **III. NOTICE OF OFFER.**

(a) The condemnor shall make its notice of offer within a reasonable time after it publicly announces its plans to take a property.

(b) No property shall be taken unless the condemnor shall serve upon the condemnee a written notice of offer to purchase, which shall set forth:

(1) The purpose for which the property will be taken.

(2) A description of the property to be taken sufficient for the identification thereof, including sources of title, if ascertainable.

(3) The amount of compensation offered and whether the offer is based on the appraisal required by RSA 498-A:4, II(a), or on some other basis.

(4) The effective date of the appraisal.

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within 30 days after service of the notice, or that the condemnee may reject the offer within 20 days and request a notice of offer based on the value of the property at the time the taking was announced or at the time of the notice of offer.

(c) Any offer shall remain outstanding and may be accepted by the condemnee until such time as either the condemnor or the condemnee files a petition in the superior court to have the damages reassessed under RSA 498-A:27.

(d) The condemnor shall make public a complete list of such offers showing the name of each condemnee and the amount of the offer in each case, including the value of the property before and after the taking, if different, and the amount of damages.

#### IV. SERVICE OF NOTICE.

(a) The giving of the notice of offer is a jurisdictional prerequisite to instituting condemnation proceedings. The notice may be served by certified mail and service shall be complete on the date of mailing. If the condemnee is a minor, an incompetent person, unknown, or is one whose whereabouts are unknown, the condemnor shall serve such notice upon the legal guardian of the condemnee. If there is no such guardian, the condemnor shall petition the board and request that a guardian ad litem be appointed to represent such condemnee. If the condemnee is unknown or one whose whereabouts are unknown, such notice shall also be published once in a newspaper of general circulation in the county where the property is located.

(b) If the offer is accepted, the transfer of title shall be accomplished within 30 days after acceptance, including payment of the considerations set forth in the offer or as agreed upon between the parties, unless such time is extended by mutual written consent by the condemnor and condemnee. In the event the condemnee fails to convey the property within the specified time, the condemnor may commence condemnation proceedings.

(c) If the offer is not accepted within 30 days after the service of the notice, the condemnor shall commence condemnation proceedings within 90 days after the expiration of such 30-day period.

2 Abandonment of Project; First Offer to Original Landowner. Amend RSA 498-A:12, II to read as follows:

II. If a condemnor has [~~condemned~~] *acquired* a fee and thereafter abandons the property, after the purpose is served for which the property was [~~condemned~~] *acquired*, or abandons the property for any reason within 10 years of [~~condemnation~~] *acquisition*, the property may not be disposed of without first being offered to the [~~condemnee~~] *landowner*, his heirs and assigns at a price equal to the current appraised value of the property including any improvements made thereon. The [~~condemnee~~] *landowner*, his heirs and assigns shall be served notice pursuant to RSA 498-A:12, I. *This provision shall not apply to those properties purchased as early or total acquisitions at the landowner's request*

3 Effective Date. This act shall take effect July 1, 2003  
Referred to Finance.

#### **SB 173**, relative to certain historical and recreational facilities. **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: This bill authorizes recreational and cultural interest signs that meet the standards of the federal "Manual on Uniform Traffic Control Devices" for use on primary or secondary highways and roads within the state. Such signs shall be designed to direct the traveling public to recreational facilities for alpine and Nordic ski areas that are recognized by the state in state-sponsored publications. The areas listed on the sign shall pay for all costs associated with signs approved under this bill. The committee finds that ski areas hold a special value to our state and needs such assistance. Vote 13-0.

#### **SB 198**, relative to a certain highway sign in Concord. **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: This bill permits the placement of a certain sign within 500 feet of Exit 12 on Interstate 93 in Concord. This is an exception to the rule for off-site direction signs to permit a sign that directs the traveler to Exit 15 for the owner's hotel and conference center. The owner shall be allowed to erect and maintain a sign on the owner's property easement provided all approvals required by the city of Concord are obtained. This provides for improved traveler information and safety. Vote 14-0.

#### **SB 206-FN**, relative to the registration of OHRVs used as grooming equipment for cross country ski trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. Pierre W. Bruno for Resources, Recreation and Development: This bill adds OHRVs used to maintain cross country ski trails to the existing definition of "OHRV trails maintenance vehicles" established for OHRV trails maintenance. This bill also clarifies this use when crossing class I, II, and III highways with regard to "trail connectors." The committee amendment establishes a uniform registration fee for all trails maintenance vehicles. Vote 15-0.

**Amendment (1277h)**

Amend the bill by replacing all after section 1 with the following:

2 Trail Connector; Cross Country Ski Trails. Amend RSA 215-A:1, XVII to read as follows:

XVII. "Trail connector" means that specific portion of an OHRV trail *or cross country ski trail on which an OHRV trail maintenance vehicle may operate* authorized within a state highway right-of-way by the department of transportation.

3 Bureau Responsibilities; Cross Country Ski Trail Maintenance. Amend RSA 215-A:3, VI to read as follows:

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway trail crossing or trail connector on any class I, class II or class III highway for any OHRV trail *or cross country ski trail on which an OHRV trail maintenance vehicle may operate*. The requests shall be submitted by the supervisor to the commissioner of the department of transportation or the commissioner's representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of transportation may post the area with appropriate signs designating the location of the trail crossing or trail connector and providing signs for both sides of the highway at an appropriate distance from the crossing or trail connector to warn the motoring public of said crossing or trail connector.

4 Effective Date. This act shall take effect July 1, 2003.

**AMENDED ANALYSIS**

This bill adds cross country ski trail maintenance OHRVs to the term "OHRV trails maintenance vehicles" for purposes of OHRV registration.

The bill also includes cross country ski trail connectors in the supervision of highway right-of-way crossings.

**SCR 2**, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for State-Federal Relations and Veterans Affairs: The committee felt that the New Hampshire fishermen have been unfairly penalized for voluntarily reducing their fishing days to help the stocks rebuild. They now are being forced to cut 20% of their 5-year average of days fished. This has resulted in a large number of fishermen being allowed only 10 days or less to fish out of the maximum of 88 days allowed. Vote 11-0.

**Amendment (1285h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new "baseline" fails to take into account a number of factors, including participation in formerly "exempted fisheries," creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these "exempt fisheries"; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this "good faith" compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. All regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. All collection and analysis of scientific information must be sound and apply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

#### **SB 41-FN, relative to the installation of airbags. OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill would establish a criminal penalty, class A misdemeanor, for any person who knowingly sells, purchases, installs or reinstalls any object which is not a properly operating airbag designed in accordance with federal safety regulations for the make, model and year of a vehicle. Nothing in this law prohibits the installation or reinstallation of a recycled airbag as long as it meets the previously stated criteria. Vote 15-0.

#### **Amendment (1218h)**

Amend the bill by replacing section 1 with the following:

1 New Sections; Sale, Purchase, and Installation of Airbags. Amend RSA 358-D by inserting after 11 the following new sections:

358-D:11-a Sale, Purchase, and Installation of Airbags; Criminal Penalty Established. Any person who knowingly sells, purchases, installs, or reinstalls any object which is not a properly operating airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system, shall be guilty of a class A misdemeanor.

358-D:11-b Installation of Recycled Airbag. Nothing in RSA 358-D:11-a shall prohibit the installation or reinstallation of a recycled airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes a criminal penalty for any person who knowingly sells, purchases, or installs an inoperative airbag or one that was not designed in accordance with federal safety regulations for the make, model, and year of the vehicle.

**SB 44, relative to penalties for vehicle dealers. OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill increases the authority of the Department of Safety to suspend an automotive dealer's license along with the dealer's plates for misuse or illegal conduct. It also makes it a misdemeanor to make false statements on an application form when applying for a dealer license. It allows veterans with Purple Heart or Prisoner of War plates to obtain more than one set of said plates, the same as our Veterans plate law reads. It also exempts dealers from having to install an inspection sticker on a new or used vehicle, but requires that all vehicles completely comply with all safety requirements. It also requires dealers to inspect the vehicle upon delivery, with a twenty day plate, to a customer. Vote 15-0.

**Amendment (1297h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for vehicle dealers, relative to the applicability of motor vehicle inspection requirements, and relative to special number plates for certain veterans.

Amend RSA 261:177 as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

*V. Any dealer, utility dealer, automotive recycling dealer, transporter, or repairer who knowingly makes a false or misleading statement in any application or form required by the director pursuant to this chapter, with the purpose of obtaining any registration, license, or privilege, shall be guilty of a misdemeanor.*

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Special Number Plates for Certain Veterans; Limitation Deleted. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. ~~Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.]~~

4 Motor Vehicle Inspections; Newly Registered and Transferred Vehicles. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than OHRV's, snow traveling vehicles, and mopeds, and vehicles, other than OHRV's, snow traveling vehicles, and mopeds, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. ~~[However, if a vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, II, the vehicle shall be inspected not later than 30 days after the date of transfer.] Any vehicle that may be operated under a dealer registration pursuant to RSA 261:III shall meet vehicle safety requirements.~~ A vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be ~~[presumed to be capable of meeting the vehicle inspection requirements]~~ *inspected upon delivery to the retail customer.*

5 Motor Vehicle Inspections; Exemption. Amend RSA 266:1, VIII to read as follows:

VIII. A new vehicle which has been delivered in this state with a certificate of origin in the form prescribed by the director ~~and any vehicle that may be operated under a dealer registration pursuant to RSA 261:III~~ is exempt from the inspection requirements contained in this section until it is sold at retail. ~~[Upon retail sale of such a vehicle, the owner shall be required to have the vehicle inspected pursuant to paragraph IV and as provided in this section and the rules adopted under this chapter.]~~

**AMENDED ANALYSIS**

This bill:

I. Establishes additional penalties for dealers, utility dealers, auto recycling dealers, transporters, and repairers who violate RSA 261 and orders made pursuant to RSA 261.

II. Deletes the limitation on the number of sets of special number plates for certain veterans that may be issued to an individual.



III. Requires that a vehicle for which a dealer has issued a 20-day plate be inspected upon delivery to the retail customer.

IV. Exempts vehicles that may be operated under a retail vehicle dealer registration from inspection requirements, but requires that such vehicles meet vehicle safety requirements.

**SB 56-FN, relative to parking for persons with disabilities. OUGHT TO PASS**

Rep. Deanne S. Rollo for Transportation: This bill amends the current disability parking space law to include the striped area next to handicap parking spaces. People who need to use a wheelchair ramp cannot open the doors of vans without using the striped area, which measures about 96 inches, for clearance. The bill also increases and sets up a fine for violators. People in wheelchairs testified it has become a problem for them in many parking lots. The only opposition was to the fines, but others testifying felt that the fines would be effective in educating the public. Vote 14-1.

**SB 66-FN-A-L, limiting the exemption from the meals and rooms tax for sales of alcoholic beverages by voluntary nonprofit organizations operating under one-day licenses from the liquor commission. OUGHT TO PASS**

Rep. Jeffrey D. Gilbert for Ways and Means: This bill would exempt non-profit organizations from paying the meals and rooms tax on their beer sales under temporary 1 to 3 day licenses for special events, such as the Hampton Beach Seafood Festival. Promoters of the festival were required for the first time to pay this tax (\$3,700) last year. This festival and similar events generate significant economic benefit for the communities they effect and substantial state tax revenues from commercial activities surrounding the events. Consequently, the committee believes the approval of this exemption will benefit both our charities that sponsor these events and the state. Vote 12-1.

**SB 138-FN, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs. OUGHT TO PASS**

Rep. Lee M. Hammond for Ways and Means: This bill would exempt income and dividends from any IRS qualified tuition savings program from the New Hampshire Interest & Dividends Tax. Currently, interest and dividend income received by New Hampshire residents from a non-New Hampshire college tuition savings plan is taxable. The State Treasurer and the College Savings Advisory Commission strongly endorse this proposal. The fiscal note indicates the decrease in state unrestricted general fund revenues should not exceed \$25,000 per year. Vote 17-0.

**SB 147, establishing a committee to study alternative strategies to relieve the property tax burden on private educational institutions and to encourage scholarships to New Hampshire students. INEXPEDIENT TO LEGISLATE**

Rep. Kurt J. Roessner for Ways and Means: This bill is similar in nature to HB 645-FN-A-L which has been retained by the Municipal and County Government Committee. The subject matter of this bill will be considered in connection with deliberations on HB 645. The sponsor agrees with this approach and with the committee's ITL recommendation. Vote 13-0.

**SB 172-FN, increasing certain fees charged by the secretary of state. INEXPEDIENT TO LEGISLATE**

Rep. John M. Gibson for Ways and Means: This bill raises fees the Secretary of State charges for apostilles (an "apostille" is a form of authentication issued to documents for use in countries that participate in the Hague Convention of 1961) and certificates for notaries public and justices of the peace by \$5, establishes a new fee for expedited service of certain documents and increases the fee charged for a marriage permit. All of these fee increases which cover the cost of services provided by the Secretary of State are included in HB-2, the trailer bill. SB 172 no longer is needed as the vehicle to increase the above-mentioned fees to cover the state costs. The sponsor of this legislation agreed with the committee recommendation of ITL. Vote 16-0.

**REGULAR CALENDAR**

**SB 85-FN, making certain revisions to the special education laws. OUGHT TO PASS WITH AMENDMENT**

Rep. John R.M. Alger for Education: This bill was a request of the Department of Education because of an audit that pointed out discrepancies with federal law. This bill corrects these discrepancies. Vote 12-3.

**Amendment 1316(h)**

Amend RSA 186-C:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Educationally disabled child" means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services. "Educationally disabled child" shall ~~[not] include a child [aged] ages 18 [through] to 21, [who, in the educational placement prior to his or her incarceration in an adult correctional facility was not actually identified as being a child with a disability or did not have an individualized education program] who was identified as an educationally disabled child and received services in accordance with an individualized education plan but who left school prior to his or her incarceration, or was identified as an educationally disabled child but did not have an individualized education plan in his or her last educational institution.~~

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Special Education; Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. *It is the purpose of this chapter to ensure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children.*

Adopted.

Report adopted and referred to Finance.

**SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill is a product of a joint study committee which met last summer. It requires that criminal background checks be done on workers in long-term care businesses like nursing homes and home care agencies. This bill mandates that the checks, costing ten dollars, be done through the New Hampshire State Police and not require fingerprints. Temporary staffing agencies supplying long-term care workers are required to perform the check on those employees, whereas the checks on workers licensed by the Board of Nursing are to be performed by the Board. The cost of the checks is intended to be a medicaid reimbursable expense for facilities with medicaid residents. The checks are required to be done on applicants who apply on or after July 1, 2003. The committee felt that this is an important safety measure for our elderly and disabled citizens. Vote 15-1.

**Amendment (1312h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Home Health Care Providers; Criminal Record Check Required. Amend RSA 151 by inserting after section 2-c the following new section:

151:2-d Criminal Record Check Required.

I. Every applicant selected for employment with a home health care provider licensed under RSA 151:2, I(b), including those which provide only homemaker services, shall submit to the employer a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the facility pursuant to RSA 106-B:14; provided, that the scope of employment includes the provision of services in a client's home or otherwise involves direct contact with a client.

II. A home health care provider shall submit the notarized criminal conviction record release authorization form to the division of state police after an applicant accepts a conditional offer of employment. The licensed home health care provider shall review the results of the criminal conviction record check before making a final offer of employment. An employee shall not begin work before the final offer of employment is made.

III.(a) Upon receipt of a notarized criminal conviction record release authorization form from a home health care provider, the division of state police shall conduct a criminal conviction record

check pursuant to RSA 106-B:14 and provide the results to the home health care provider. The home health care provider shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

(b) The cost of criminal conviction record checks for such applicants shall be borne by the home health care provider; provided, that the home health care provider may require an applicant to pay the actual cost of the criminal conviction record check.

IV.(a) Any agency providing temporary or per diem staff to a home health care provider shall conduct a criminal conviction record check pursuant to this section. The agency shall not offer the services of any person until the agency has reviewed the criminal history of the employee.

(b) The cost of criminal history record check for such temporary or per diem staff shall be borne by the agency providing temporary or per diem staff to a home health care provider, provided that the agency providing per diem staffing may require the selected applicant for employment to pay the actual costs of the criminal conviction record check.

V. The provisions of this section shall not apply to any person who is licensed by the board of nursing pursuant to RSA 326-B.

2 New Section; Other Qualified Agencies; Criminal Record Check Required. Amend RSA 161-I by inserting after section 6 the following new section:

161-I:6-a Criminal Record Check Required.

I. Every applicant selected for employment with an other qualified agency, as defined in RSA 161-I:2, IX, shall submit to the employer a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the facility pursuant to RSA 106-B:14; provided, that the scope of employment includes the provision of services in a client's home or otherwise involves direct contact with a client.

II. The other qualified agency shall submit the notarized criminal conviction record release authorization form to the division of state police after an applicant accepts a conditional offer of employment. The other qualified agency shall review the results of the criminal conviction record check before making a final offer of employment. An employee shall not begin work before the final offer of employment is made.

III.(a) Upon receipt of a notarized criminal conviction record release authorization form from an other qualified agency, the division of state police shall conduct a criminal conviction record check pursuant to RSA 106-B:14 and provide the results to the other qualified agency. The other qualified agency shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

(b) The cost of criminal conviction record checks for such applicants shall be borne by the other qualified agency provided that the other qualified agency may require an applicant to pay the actual costs of the criminal conviction record check.

IV.(a) The provisions of this section shall apply to any agency providing temporary or per diem staff to an other qualified agency. The agency shall not offer the services of any person until the agency has reviewed the criminal history of the employee.

(b) The cost of criminal history record checks for such temporary or per diem staff shall be borne by the agency providing temporary or per diem staff to an other qualified agency, provided that the agency providing per diem staffing may require the selected applicant for employment to pay the actual costs of the criminal conviction record check.

V. The provisions of this chapter shall not apply to any person who is licensed by the board of nursing pursuant to RSA 326-B.

3 New Section; Residential Care Facilities; Employees; Criminal Record Check Required. Amend RSA 151 by inserting after section 3-b the following new section:

151:3-c Criminal Record Check Required.

I. Every applicant selected for employment with a residential care facility licensed under RSA 151:2, I(e), including a nursing home, shall submit to the employer a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the facility pursuant to RSA 106-B:14.

II. The residential care facility shall submit the notarized criminal conviction record release form to the division of state police after an applicant accepts a conditional offer of employment. The residential care facility shall review the results of the criminal conviction record check before making a final offer of employment. An employee shall not begin work before the final offer of employment is made.

III.(a) Upon receipt of a notarized criminal conviction record release authorization form from a residential care facility licensed under RSA 151:2, I(e), the division of state police shall conduct a criminal conviction record check pursuant to RSA 106-B:14 and provide the results to the residential care facility. The residential care facility shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

(b) The cost of criminal conviction record checks for such applicants shall be borne by the residential care facility; provided, that the residential care facility may require an applicant to pay the actual costs of the criminal conviction record check.

IV.(a) The provisions of this section shall apply to any agency providing temporary or per diem staff to a residential care facility. The agency shall not offer the services of any person until the agency has reviewed the criminal history of the employee.

(b) The cost of criminal history record checks for such temporary or per diem staff shall be borne by the agency providing temporary or per diem staff to a residential care facility, provided that the agency providing per diem staffing may require the selected applicant for employment to pay the actual costs of the criminal conviction record check.

V. The provisions of this chapter shall not apply to any person who is licensed by the board of nursing pursuant to RSA 326-B.

4 New Section; Nursing; Criminal Record Checks. Amend RSA 326-B by inserting after section 4-b the following new section:

#### 326-B:4-c Criminal Record Checks.

I. Every new applicant and every renewal applicant for a license under this chapter shall submit to the board a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the board pursuant to RSA 106-B:14.

II. Upon receipt of a notarized criminal conviction record release authorization form from the board, the division of state police shall conduct a criminal conviction record check pursuant to RSA 106-B:14 and provide the results to the board.

III. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

IV. The board may require the applicant to pay the actual costs of the criminal conviction record check.

5 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill requires criminal conviction record checks for all applicants for a license from the board of nursing and all employees working in long-term care facilities, home health care, residential care, and certain personal care services.

Adopted.

Report adopted and ordered to third reading.

**SB 96-FN**, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was amended by the Senate. The extensive fiscal note was also amended. Originally, the state costs for prescriptions for FY 2005 would have been \$44,437,620; the new fiscal note appropriated ten dollars. Obviously, ten dollars per year was not designed to fund a pharmacy discount program for seniors and disabled persons. This bill also required a Federal Medicaid waiver. Testimony was provided from several sources that the model utilized in the bill (based on the Maine model) and the lack of an appropriate appropriation would likely make the waiver unacceptable to the Center for Medicare-Medicaid Services. The committee agreed that a pharmacy discount program is a credible goal, but recommends that this bill as written should not pass. However, because it is believed that further study is in order, an ad hoc committee has been formed to investigate the possibilities of a prescription drug program, either alone or combined in other legislation currently in the study phases. This bill offered nothing new that would be workable to assist eligible seniors. The ad hoc committee will come back by November 1, 2003 with a recommended course of action. Vote 15-0. Adopted.

**SB 222-FN-A, relative to motor vehicle fees. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. George N. Katsakiores for the Majority of Transportation: This bill accomplishes two important related functions concerning vehicle emissions and safety inspections. First, it funds the start-up cost through a very modest registration increase (.20 per month) for the Municipal Agent Automated Program (MAAP). This program will allow every town and city in New Hampshire to be online with the Department of Safety; additionally, this would also allow citizens to be able to register their vehicles from their homes or office online. This bill also begins a new safety and emission program for automobiles and light trucks, 1996 and newer, to bring NH into compliance with the Clean Air Act, something the state had already agreed to do in 2003, by an agreement with the federal Environmental Protection Agency. This is the development of a state-of-the-art electronic on-board diagnostics system that would be performed by your local inspection station and hooked directly in the Department of Safety (DOS) computers. The systems would be leased to each dealer and would be provided by a vendor selected by the DOS through a bidding process. Failure to adopt this legislation would take us out of compliance with the Clean Air Act and leave us open to massive sanctions to our federal highway funding, leaving us open to the loss of millions of dollars and delay in highway construction projects. Further, failure of this legislation most likely would lead to erroneous tail pipe emission testing. The committee amended this bill with committee concerns on the fiscal impact this bill has on vehicle registrations. Testimony revealed that the added registration fees would only be needed to implement the MAAP program for two years. The committee amendment sunsets the increased fees in 2005. The committee also amended the bill to include fiscal oversight on vendor fees for the On Board Diagnostic II (OBD) testing program. Vote 11-4.

Rep. Lawrence A. Artz for Minority of Transportation: This bill is the proverbial gun that is pointed to our heads by the Environmental Protection Agency and the minority also realizes the sanctions that the EPA could impose on us. The main element of this bill is to establish an on-board diagnostic requirement for vehicle emissions inspection for all 1996 and newer passenger cars and light trucks, as well as to increase registration fees to implement a Municipal Agent Automation Program. A 1996 and newer vehicle will fail inspection merely because the "Check Engine" light is lit on the dashboard and an error code is set in the vehicle's on-board computer under On Board Diagnostic II (OBD). Testimony in committee also indicated that inspection stations could also increase their inspection fees as well. The minority is convinced that this OBD program will have no measurable impact on air quality. We could conduct onerous emissions tests on motor vehicles as stringent as California, and include every vehicle made going back to the 1968 model year as was originally mandated by the EPA back in 1992, and still there will be no measurable effect on air quality. Currently, California is still having air quality problems despite their really tough ongoing automobile emissions program, and they are considering un-exempting motor vehicles that are 1973 models and going back 45 years. We are being forced to just 'play the game' that the EPA is demanding based on some theoretical air quality model that was created years ago. New Hampshire's air pollution is due to the fact that we are located right at the end of the jet stream. We cannot change that fact. All pollutants are carried over from as far away as California. In reality, NH has relatively few emission sources to cut, and all the emissions testing in the world will not change the air quality in any significant way.

**Majority Amendment (1429h)**

Amend the bill by replacing section 1 with the following:

I Fees to be Collected; Prorated Fees for Motor Vehicles for Biennium Ending June 30, 2005. For the period beginning July 1, 2003 and ending June 30, 2005, the department of safety shall collect, in place of the fees required by RSA 261:141, III(g), the following prorated fees for all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$27.60 (\$2.30 per month)
3001-5000 lbs.	\$39.60 (\$3.30 per month)
5001-8000 lbs.	\$51.60 (\$4.30 per month)
8001-73,280 lbs.	\$.84 per hundred lbs. gross weight.

Amend RSA 266:59-b,V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Reasonable fees, as approved by the fiscal committee of the general court, to cover the operation of an approved electronic on-board diagnostic and vehicle safety inspection program. All fees collected pursuant to this subparagraph shall be deposited in the highway fund.

## AMENDED ANALYSIS

This bill:

I. Inserts provisions for the administration of the electronic on-board diagnostic and vehicle safety inspection program.

II. Increases registration fees for motor vehicles for the biennium ending June 30, 2005.

Rep. Packard moved Recommit to committee and spoke in favor.

Recommitted to Transportation.

**SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. **OUGHT TO PASS**

Rep. Kurt J. Roessner for Ways and Means: This legislation increases the Department of Environmental Services fees for review of subdivisions and waste disposal systems and applies the increased revenue to establish a system for electronic permitting for waste disposal systems, subdivision plans, and for permits and approvals. The Ways and Means Committee recommendation, along with favorable endorsements from the DES, Granite State Designers and Installers Association, and the Business and Industry Association of New Hampshire, are predicated on the appropriation of the increased revenues for the development of the electronic permitting system. Vote 14-3.

Adopted.

Referred to Finance.

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. **OUGHT TO PASS**

Rep. Jeffrey D. Gilbert for Ways and Means: This bill expands the activities of the Fire Standards and Training and Emergency Medical Services Fund to include the division of Fire Safety and Emergency Management and raises the fees that are its funding source by 12.5%. Currently, this fund is running an annual surplus of approximately \$900,000. The budget for the Division of Fire Safety and Emergency Management is approximately \$1.5 million per year and is paid from the general fund. The transfer of these activities to the Fire Standards fund will absorb its surplus and coupled with the fee increase will save the general fund \$1.5 million per year. The fee increase provided for in the bill would raise the current charge to insurance companies for copies of records from \$7 per page to \$8 per page. The Deputy Commissioner of Safety testified that the insurance companies who paid these fees approved of the increase. No testimony was offered in opposition to the bill. Vote 14-0.

Adopted.

Referred to Finance.

## BILLS REMOVED FROM CONSENT CALENDAR

**SB 140-FN**, establishing an optional renewal period for licenses to carry a pistol or revolver. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: The amendment to this bill changes the term for a pistol/revolver license, RSA 159:6, from "not less than 4 years" to "not more than 5 years." The amendment adds section II which simply gives the applicant the alternative to choose the expiration date of his license to carry a pistol or revolver, as long as it is not issued for more than 5 years. This procedure is for the convenience of the applicant and the issuing authority shall so inform the applicant. Vote 11-0.

## Amendment (1431h)

Amend the bill by replacing section I with the following:

I Pistols and Revolvers: License to Carry. Amend RSA 159:6 to read as follows:

159:6 License to Carry.

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not [less] *more* than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting,

or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for *not more than* [4] 5 years. When required, license renewal shall take place within the month of the [fourth] fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

*II. As an alternative to the application procedure in paragraph I, an applicant may choose any license expiration date within 5 years of the date of application. Issuing authorities shall inform applicants that this choice is provided for their convenience.*

#### AMENDED ANALYSIS

This bill allows qualified residents to elect an optional renewal period for a license to carry a pistol or revolver.

Rep. Welch moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Criminal Justice and Public Safety.

**SB 18-FN**, relative to vehicle stops at railroad grade crossings. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required drivers of an empty school bus to stop at all railroad crossings. The committee found this legislation unnecessary, as there has been no noted accidents between a train and an empty bus. Current law requires school buses carrying passengers to stop at these crossings. Vote 11-2.

Rep. Weldy spoke against.

Rep. Packard spoke in favor.

Adopted.

#### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 15, 2003 at 10:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**SB 48**, exempting housing for older persons from certain age discrimination laws.

**SB 165**, relative to the voluntary dissolution of non-depository trust companies.

**SB 36-FN**, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court.

**SB 39**, relative to the results of a preliminary breath test as evidence in court.

**SB 52**, relative to a voluntary certification program for police dogs and handlers.

**SB 79-FN-L**, relative to penalties for the exhibition of fighting animals.

**SB 145-FN-A**, relative to the duties of the board of trustees of the department of regional community-technical colleges.

**SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers.

**SB 57-FN**, relative to certain accounts within the fish and game fund.

**SB 171**, regulating non-agricultural activities which may cause the introduction and spread of infectious wildlife diseases.

**SB 34**, relative to independent living retirement communities.

**SB 190**, relative to community living facilities.

**SB 219**, relative to superior court notice to health care regulatory boards of felony convictions of health care providers.

**SB 91**, extending the committee to study eminent domain proceedings and adding certain duties.

**SB 129**, relative to the board of tax and land appeals and eminent domain cases.

**SB 142-FN**, relative to advertisements on utility poles and highway signs.

**SB 173**, relative to certain historical and recreational facilities.

**SB 198**, relative to a certain highway sign in Concord.

**SB 206-FN**, relative to the registration of OHRVs used as grooming equipment for cross country ski trails.

**SCR 2**, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

**SB 41-FN**, relative to the installation of airbags.

**SB 44**, relative to penalties for vehicle dealers.

**SB 56-FN**, relative to parking for persons with disabilities.

**SB 66-FN-A-L**, limiting the exemption from the meals and rooms tax for sales of alcoholic beverages by voluntary nonprofit organizations operating under one-day licenses from the liquor commission.

**SB 138-FN**, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs.

**SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing.

### UNANIMOUS CONSENT

Reps. Burling and Jacobson addressed the House.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:00 a.m.

### RECESS

(Rep. Welch in the Chair)

### SENATE MESSAGES

### CONCURRENCE

**HB 153-FN**, relative to grounds for termination of parental rights.

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers.

**HB 208**, relative to name changes for inmates and parolees.

**HB 211**, relative to town clerk fee deposit requirements.

**HB 218**, relative to the definition of beneficially interested person.

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties.

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services.

**HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services.

**HB 368**, making technical corrections to the statutory list of dedicated funds.

**HB 394**, relative to incompatible offices.

**HB 423**, relative to safe deposit boxes.

**HB 497**, relative to inactive status licenses.

**HB 506**, relative to health club membership initiation fees and renewal practices.



**HB 515**, excluding certain agreements between fish and game licensees and landowners from the right-to-know law.

**HB 529**, relative to the New Hampshire seed law.

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act.

**HB 658-FN**, relative to impersonation of candidates.

**HB 661-FN-L**, relative to Westport Village Road in the town of Swanzy.

**HB 766**, relative to the information required for a license to carry a pistol or revolver.

**HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses.

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals.

### NONCONCURRENCE

**HB 149**, relative to patient rights and disclosures.

**HB 180**, relative to proceedings for termination of parental rights.

**HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders.

**HB 206**, relative to filing of complaints for violation-level offenses.

**HB 228**, relative to conduct after an accident.

**HB 487**, relative to protective custody of a person impaired by drugs.

**HB 745**, relative to voters presenting identification to obtain a ballot.

**HB 791-FN-A**, establishing a rest area and state liquor store retail opportunities commission.

**HB 828-FN-A-L**, establishing a committee to study the effect of alternative transportation on state revenues.

### RE-REFERRED TO COMMITTEE

**HB 121**, relative to grounds for modification of a permanent child custody order.

**HB 258**, relative to the community-technical college system.

### RECESS

#### (Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 17**

Thursday, May 15, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator of all, today we wish to give thanks for this honorable House, for all the Representatives and for the House staff who carry on their part of the work and responsibility of governing the free people of our beloved New Hampshire. We thank You for their passion to serve, for their wisdom in serving and for their loved ones who care for them in the midst of the demands and struggles that come with the joy of democracy. May Your blessing be upon them, especially when emotions are heightened and debate is heated. Be with them also in the long and quiet hours of committee work and in service to their constituents that often goes unnoticed and unappreciated. At the end of their day may they feel the satisfaction of service, may they rest peacefully and awaken refreshed to serve again in a new day.

As always we ask for Your protective hand to be upon those who serve in the armed forces, law enforcement, emergency medical services and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Kurt Roessner led the Pledge of Allegiance.

The National Anthem was sung by Kellie Cavagnaro, a senior at Bishop Brady High School.

**LEAVES OF ABSENCE**

Reps. Cernota, Vivian Clark, Peter Cote, Dennis Fields, Flanagan, Ford, Hagan, Kenison, Robert Laflam, Solomon and Weldy, the day, illness.

Reps. Timothy Allen, David Bouchard, Bridle, Jeffrey Carter, Dearborn, Gonzalez, Bonnie Ham, Hamel, Kopka, Lawrence, Lessard, Musler, Palangas, Reardon, Reeves, Herbert Richardson, Rollo, Shultis, Slack, Paul Smith, Peter Sullivan, Katherine Taylor, Tufts, Wendelboe and Williams, the day, important business.

Reps. Clemons and Guay, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Shannon Kulakowski, guest of Rep. Donald Smith. Bruce and Ashley Pratt, Alex and Tori Pratt, and Lynn Cornell, son and daughter-in-law, grandchildren and guest of Rep. Leighton Pratt. Richard Close and Jack Roche, guests of Rep. Scott. Anja Zschau, guest of Rep. Owen.

4<sup>th</sup> Grade class from Marston School in Hampton and Trevor Popachristos, guests and great-grandson of Rep. Jane Kelley.

**INTRODUCTION OF SPECIAL GUEST**

United States Marine Corps Lance Corporal James Riordan Jr., serving with the Marine Tactical Electronic Warfare and Reconnaissance Group recently stationed in Saudi Arabia, accompanied by his parents, James and Donna Riordan, guests of the Raymond delegation.

**INTRODUCTION OF SPECIAL GUEST**

Stacy Stapleton, 5<sup>th</sup> grade science teacher at Washington Elementary School, recipient of the 2002 Presidential Award for Excellence in Math and Science Teaching given by the National Science Foundation, guest of the House.

**INTRODUCTION OF SPECIAL GUESTS**

David Nielsen, Official Caretaker of the Old Man of the Mountain, and the following volunteers of the Old Man of the Mountain Restoration Crew: Deb Nielsen, George Clough, Joel Dinsmoor, Ronald Mitchell, Bradley Lawrence, Robert Potter, Mark Goddard, Kenneth Colburn, Michael Nielsen, Rep. John Thomas, Rep. Robert L'Heureux, Brenda Mento, Laurie Sortevik and Carla Clough. They were accompanied by Richard McLeod, Director of the Division of Parks and Recreation. All were guests of the House.

**INTRODUCTION OF SPECIAL GUEST**

Mary Sytek, recipient of the 2002-2003 Education Scholarship Award presented by the New Hampshire Order of Women Legislators, guest of the House.

**ENROLLED BILL AMENDMENTS**

**SB 34**, relative to independent living retirement communities. (Amendment printed SJ 5/15/03)  
Adopted.

**SB 36-FN**, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. (Amendment printed SJ 5/15/03)  
Adopted.

**SB 79-FN-L**, relative to penalties for the exhibition of fighting animals. (Amendment printed SJ 5/15/03)  
Adopted.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles. (Amendment printed SJ 5/08/03)  
Rep. Hunt moved that the House concur and spoke in favor.  
Adopted.

**HB 215**, relative to expungement of records contained in the DNA database. (Amendment printed SJ 5/08/03)  
Rep. Welch moved that the House concur and spoke in favor.  
Adopted.

**HB 593-FN-L**, relative to solid waste facilities in small towns. (Amendment printed SJ 5/08/03)  
Rep. Babson moved that the House concur and spoke in favor.  
Adopted.

**HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. (Amendment printed SJ 5/08/03)  
Rep. O'Neil moved that the House concur and spoke in favor.  
Adopted.

**HB 185**, relative to pretermitted heirs. (Amendment printed SJ 4/24/03)  
Rep. Rowe moved that the House concur and spoke in favor.  
Rep. John Pratt spoke against.  
On a division vote, 120 members having voted in the affirmative and 222 in the negative, the motion failed.  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Rowe, John Pratt, Haytayan and Sorg.

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine. (Amendment printed SJ 5/08/03)  
Rep. Patten moved that the House concur and spoke in favor.  
Adopted

**HB 434-L**, relative to junkyards and motor vehicle recycling yards. (Amendment printed SJ 4/24/03)  
Rep. Patten moved that the House concur and spoke in favor.  
Adopted

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction. (Amendment printed SJ 5/08/03)  
Rep. Edwin Smith moved that the House concur, spoke in favor and yielded to questions.  
Rep. Giuda spoke against.  
On a division vote, 189 members having voted in the affirmative and 159 in the negative, the motion was adopted.

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Amendment printed SJ 5/08/03)

Rep. Coughlin moved that the House concur and spoke in favor.

Adopted

**HB 379**, relative to penalties for OHRV violations by underage operators. (Amendment printed SJ 5/08/03)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 402**, relative to child passenger restraints. (Amendment printed SJ 5/08/03)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 477**, establishing certain speed limits. (Amendment printed SJ 5/08/03)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 699-FN**, relative to abandoned vehicles. (Amendment printed SJ 5/08/03)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 770-FN-A**, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons. (Amendment printed SJ 5/08/03)

Rep. Major moved that the House concur and spoke in favor.

Adopted

**HB 481**, establishing a committee to study the pricing of milk products. (Amendments printed SJ 4/24/03 & 5/08/03)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Quandt, Holden and Meader.

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts. (Amendment printed SJ 5/08/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rowe, John Pratt, Wall and Haytayan.

**HB 811**, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Amendment printed SJ 5/08/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rowe, James Wheeler, Dudley and Haytayan.

**HB 768**, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River. (Amendment printed SJ 5/08/03)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lawton, Chris Christensen, Charles Laflamme and Brueggemann.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 72**, relative to the regulation of small loans, title loans, and payday loans, removed by Rep. Kurk.

**SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification, removed by Rep. Marple.

**SB 59-FN**, relative to administrative license suspension hearings, removed by Rep. Marple.  
**SB 16-FN**, establishing the governor's incentive and reward program, removed by Rep. O'Neil.  
**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board, removed by Rep. Espieffs.  
**SB 82-FN**, relative to awards of fees and interest under workers' compensation, removed by Rep. Espieffs.  
**SB 157**, establishing a committee to study the vesting of development rights, removed by Rep. Patten.  
 Consent Calendar adopted.

**SB 86-FN**, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet F. Allen for Children and Family Law: This bill will require the Division of Children, Youth and Families to report fatal and near fatal incidents happening to children in the home. The amendment extends accountability to all out of home court ordered placements and includes suicide along with near fatal incidents. Current law preserves confidentiality at the discretion of the commissioner using current best interest standards; the amendment would require written reasons for the same. This bill also requires an annual report of what it would take for DCYF's child protection services to achieve national accreditation. The bill extends the reporting date of the Grafton County Court Pilot Project to 2004. Vote 13-0.

#### Amendment (1495h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

Amend RSA 126-A:5, XII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Notwithstanding any other provision of law to the contrary, the commissioner ~~[may]~~ *shall*, upon request, publicly disclose ~~[certain case specific information]~~ *the information in subparagraphs (c)(3)–(c)(12) regarding the abuse or neglect of a child, as set forth in this paragraph, [and the investigation of such abuse or neglect and any services related thereto;] if there has been a fatality or near fatality resulting from abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be disclosed* if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. *In addition, the same disclosure shall be made when there has been a fatality, to include suicide, or near fatality of a child under the legal supervision or legal custody of the department.* In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. ~~[In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.]~~ *If the commissioner determines not to release the information, the commissioner shall provide written findings in support of the decision to the requestor.* As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

Amend RSA 126-A:5, XII(c)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) The name of the parent or other person legally responsible for the child *or the foster family home, group home, child care institution, or child placing agency where the child is placed.*

Amend RSA 126-A:5, XII(c)(11) as inserted by section 3 of the bill by replacing it with the following:

~~[(+)]~~ *(11) Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family or substitute caregiver as a result of any such report or reports.*

Amend RSA 170-G:4, XX as inserted by section 4 of the bill by replacing it with the following:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Report by Supervisory Judge of Family Court in Grafton County. Amend 2002, 243:2, III to read as follows:

III. The [~~administrative judge of the district courts~~] *supervisory judge of the family court in Grafton county* shall prepare a report on the findings and recommendations of the Grafton county court relative to opening hearings in child abuse and neglect cases under the terms established by the pilot project. The [~~administrative judge of the district courts~~] *supervisory judge of the family court in Grafton county* shall provide the report to the governor, the speaker of the house of representatives, the senate president, the legislative oversight committee, the senate clerk, the house clerk, and the commissioner of the department of health and human services on or before September 1, [2003]. **2004.**

7 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Legislative Oversight Committee Report Date Extended. Amend 2002, 243:3, IV to read as follows:

IV. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2003] **2004.**

#### AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

Referred to Finance.

**SB 71-FN-A**, establishing a committee to study improving access, affordability, and alternatives in health insurance for New Hampshire consumers. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: The committee found this legislation unnecessary, as there have been numerous other efforts to deal with health insurance. This study committee is redundant to other on-going efforts and would not provide more insight into this matter. Vote 14-1.

**SB 122**, relative to the regulation of first mortgage brokers. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: This bill, as passed by the Senate, would require a licensed mortgage broker to make sure that each licensed office has a supervisor on premise with at least three (3) years experience in mortgage lending or mortgage brokering. While the committee believes that the issue of competency is important, years of experience does not define or guarantee

competency. Further, it is not appropriate for the state to prescribe business practices beyond the parameters of the licensed activity. In the absence of a reliable competency testing procedure, the committee voted not to support the proposed legislation. Vote 13-2.

**SB 131**, establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The intent of the bill was already being dealt with by the Hospital Association's "NH Health Access," so the bill is unnecessary. Vote 14-0.

**SB 135**, relative to hotel keeper liability for personal care services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald D. Flanders for Commerce: The bill exempts hotelkeepers or innkeepers from liability for losses of goods or property or other damages based on a guest's or visitor's use of a child care services provider whose name is furnished by the hotelkeeper or innkeeper, provided the hotelkeeper or innkeeper does not know of any adverse information about the person or persons providing the child care services, receives no compensation for providing the information or services and gives written notice that the child care service providers have not been evaluated by the hotelkeeper or innkeeper. It also allows the hotelkeeper or innkeeper to provide the name of an employee if the hotelkeeper or innkeeper receives no compensation and the employee is acting outside of the scope of his or her employment when providing the child care services. Vote 14-0.

#### **Amendment (1465h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to hotelkeeper or innkeeper liability for personal child care services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Child Care Referrals. Amend RSA 353 by inserting after section 353:2 the following new section:

353:2-a Child Care Referrals. No hotelkeeper or innkeeper shall be liable for losses of goods or property or other damages sustained by a guest or other visitor based solely upon the furnishing by the hotelkeeper or innkeeper of a name or names of persons available to provide child care services for such guest or other visitor provided the hotelkeeper or innkeeper has no knowledge of any adverse information relating to the person or persons providing the child care services, the hotelkeeper or innkeeper receives no compensation for furnishing the information or the services provided, and the hotelkeeper or innkeeper has given written notice to the guest or visitor that the child care service providers have not been evaluated by the hotelkeeper or innkeeper. No such liability shall arise from furnishing the name of an employee of the hotelkeeper or innkeeper provided the hotelkeeper or innkeeper does not recommend or compensate any such employee for the provision of such child care services and the employee is not acting within the scope of employment for the hotelkeeper or innkeeper when providing such child care services.

2 Effective Date. This act shall take effect January 1, 2004.

#### **AMENDED ANALYSIS**

This bill exempts hotelkeepers or innkeepers from liability for losses of goods or property or other damages based on a guests or visitor's use of a child care services provider whose name is furnished by the hotelkeeper or innkeeper provided the hotelkeeper or innkeeper does not know of any adverse information about the person or persons providing the child care services, receives no compensation for providing the information or services and gives written notice that the child care service providers have not been evaluated by the hotelkeeper or innkeeper. It also allows the hotelkeeper or innkeeper to provide the name of an employee if the hotelkeeper or innkeeper receives no compensation and the employee is acting outside of the scope of his or her employment when providing the child care services.

**SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Deanna P. Rush for Education: This bill provides an incentive to study in shortage areas such as nursing and education. It consolidates the career incentive loan program and the nursing leveraged

scholarship loan program into the workforce incentive program, which contains a forgivable loan component, and a loan repayment program for individuals who work in designated shortage areas. This bill includes a fiscal note of \$1.00, thus allowing for grants and other fund transfers. Vote 15-0. Referred to Finance.

**SB 80**, relative to vocational education and the automotive technology curriculum. **OUGHT TO PASS**

Rep. Richard Leone for Education: This bill was introduced to update and improve the high school automotive technology programs in New Hampshire. It establishes an automotive technology and advisory council in the Department of Education. Not only will these programs meet the standards of the National Automotive Technicians Education Foundation (NATEF), but they will greatly enhance New Hampshire's opportunity for Federal funding in this area. Vote 17-0. Referred to Finance.

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The amendment for this bill allows for the purchase of up to three years of additional service credit in the retirement system. The amendment reduced the time to three years rather than five years so that all military personnel were put on the same playing field regardless of time served in that the subsequent minimum time of enlistment following the demise of the draft became three years. This benefit is only available to active members of the retirement system with ten years of in state service and must be paid in accordance with the actuarial determination of the cost. This cost shall include both the employer and employee contribution for the time purchased and shall be the responsibility of the purchaser. The other changes made by the amendment to the original bill were to clarify in all sections of RSA 100 that the military time purchased under this bill shall not be used as creditable service eligibility for retirement or for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a or RSA 100-A:52-b. Vote 15-1.

**Amendment (1498h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Creditable Service for Military Service. Amend RSA 100-A:4 by inserting after paragraph V the following new paragraph:

VI.(a) Notwithstanding any other provision of this section, a member in active service in the retirement system who has completed 10 years of creditable service in the state, shall be entitled to receive credit, upon payment by the member of the cost of such credit and upon approval of the board, for not more than 3 years of additional creditable service for active service in the armed forces of the United States, subject to the following:

(1) The member is not receiving military retirement benefits at the time of application for such credit, other than disability allowances.

(2) The member is honorably discharged or is an officer honorably separated from the military service of the United States, or is in active status in the New Hampshire national guard or organized reserve. A member on active status in the New Hampshire national guard or organized reserve may apply such service time on a ratio of 5 years active national guard or reserve service to one year of available additional creditable service under this paragraph.

(3) The member is not at the time of application for credit receiving any retirement benefits under this chapter or under any predecessor system.

(b) Credit for active service in the armed services shall not be made until the member has paid either in lump sum or, if permitted by the board of trustees, by installment deductions from pay from an employer. The actuary's statement shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

(c) Additional creditable service purchased under this paragraph shall not be used as creditable service for the purpose of determining service retirement eligibility or for purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

Referred to Finance.



**SB 43**, relative to archives and records management. **OUGHT TO PASS**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill updates the name of the division of records management and archives to the division of archives and records management which conforms with the rest of the country. Additionally, it gives the Secretary of State, Governor and Executive Council greater flexibility in selecting the director. Vote 16-0.

**SB 143**, establishing a commission to study and review the regulation of the building trades. **IN-EXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: In 2001-2002, we established a statewide universal building code, which covers every aspect of building from foundation to finish, including heating and plumbing. This was created after two years of study. Therefore, this legislation is not needed at this time. Vote 15-0.

**SB 179-FN-A**, relative to positions in the banking department. **OUGHT TO PASS**

Rep. Peter F. Bergin for Executive Departments and Administration: The banking commissioner and the sponsors testified that currently there are not enough bank examiners to audit the ever-growing mortgage and consumer loan industry. This bill will enable the banking department to add additional personnel to audit the industry. There will be no cost to the state as each company audited is billed by the state. Vote 15-0.

Referred to Finance.

**SB 210**, relative to the administrative procedures of the real estate commission. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would require the commission to hold a formal hearing on all complaints regardless of the severity of the violation. The bill also removes the authority of the commission to negotiate a settlement prior to a hearing under RSA 541-A:31, the administrative procedures act. The committee felt that this bill would hamstring the commission in its work to the detriment of the public that the commission was established to serve. Vote 15-0.

**SB 146**, relative to eligible costs for training grants in the job training program for economic growth. **INEXPEDIENT TO LEGISLATE**

Rep. Clifford A. Newton for Labor, Industrial and Rehabilitative Services: The committee realizes this is a good program. However, funding will not be available for this program until late 2006. There are also several issues and concerns to be worked out between the Department of Employment Security and the provider of administration of the grant-funded program. By voting this bill ITL, the Advisory Council will have time to work out these issues and come forward with proper legislation next session. Vote 13-0.

**SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill clarifies the wage to be used when calculating permanent impairment awards under workers compensation. The amendment makes minor technical changes. Vote 13-0.

**Amendment (1433h)**

Amend RSA 281-A:15, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in paragraphs II and III of *this section and of RSA 281-A:32* and subject to RSA 281-A:28, 281-A:28-a and RSA 281-A:31-a, an average weekly wage shall be computed by using the method in subparagraph (a) or (b), or (c) that yields the result more favorable to the injured employee:

Amend RSA 281-A:23, II as inserted by section 3 of the bill by replacing it with the following:

II. The employer, or the employer's insurance carrier, shall pay the cost of artificial limbs, eyes, teeth, orthopedic appliances, and physical and surgical aids made necessary by such injury; shall pay the cost of replacement or repair when such is made necessary by wear and tear or by physical change in the person; and shall pay compensation for disability resulting from the replacement or repair, based on the employee's average wages at the time of the original injury. Notwithstanding RSA 281-A:48, I, a party may petition the commissioner for payment of such compensation at any time, if the disability results solely from the replacement or repair. If an employee by accident arising

out of and in the [cause] *course* of the employment has suffered the loss of glasses, false teeth, an artificial member, or hearing aid, the employer *or the employer's insurance carrier* shall pay the employee an amount equal to the value of the property so lost.

**SB 32**, relative to municipal budget recommendations. **OUGHT TO PASS**

Rep. Nancy K. Johnson for Municipal and County Government: The main duty of town budget committees is to "prepare the budget as provided for in RSA 32:5 for submission to each annual or special meeting of the voters of a municipality, and, if the municipality is a town, the budgets of any school district wholly within the town." There has been some controversy about which budget goes on the warrant – the school board's or the budget committee's if there is one. RSA 32 clarifies that the "budget" submitted to the voters is to be that of the budget committee, or the governing body if there is no budget committee. Vote 13-1.

**SB 130-FN-L**, relative to county departments of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: The original bill is a combination of housekeeping changes concerning the way the county department of corrections operates as well as clarifying changes in what is the responsibility of the sentencing court and what is the responsibility of the superintendent for inmate care and management.

The amendment clarifies and aligns the approval process used by the sentencing court to order the committal of an inmate to the county correctional facility for rehabilitation based on the rules and regulations of the specific county correctional facility in RSA 30-B:20.

RSA 262:23 deals with motor vehicle habitual offenders and the amendment again aligns the process used by the sentencing court to order the committal of an inmate to rehabilitation based on the rules and regulations of the county correctional facility where the sentence is to be served. We amended the minimum mandatory term for the offender from eight consecutive weekends to 14 consecutive days prior to eligibility for a home confinement program.

RSA 651:17 deals with the time limit for a sentence to a county correctional facility and Section II is amended to state that the offender must be confined to the county correctional facility in the county where the crime was committed.

RSA 651:19 deals with release for gainful employment, rehabilitation or home confinement. As previously stated in RSA 262:23, the amendment basically aligns the approval process used by the sentencing court to order the inmate to home confinement, provided the county correctional facility has a home confinement program. It also allows the superintendent to have discretion in determining who is eligible for the home confinement program. If the superintendent deems an inmate inappropriate for the home confinement program, the superintendent is to notify the sentencing court, and, at the request of the defendant, a hearing may be scheduled to hear the defendant's grievance. The amendment also requires that the defendant must serve 14 consecutive days prior to the eligibility for the home confinement program. The amendment also contains some housekeeping measures that clarify the terms of home confinement. Vote 13-0.

**Amendment (1539h)**

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 13-14, respectively:

9 Employment of Offenders; Work Release. Amend RSA 30-B:20 to read as follows:

30-B:20 Work Release. ~~[Any]~~ *A sentencing court may order that any person sentenced to imprisonment in a county department of corrections facility may be released therefrom by the superintendent with the approval of the sentencing court at the time of sentence, or at any time during the term of sentence* ~~[by the court for such purpose as the court may deem conducive to his rehabilitation]~~ *based on the rules and regulations of the county correctional facility for such purposes as the superintendent may deem conducive to his or her rehabilitation.* Such release shall be for such terms or intervals of time and under such terms and conditions as ~~[the court may order the superintendent to impose]~~ *may be permitted by the facility's rules and regulations.* Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the *sentencing* court. ~~[If a person violates the terms and conditions laid down for his conduct, custody, or employment, the court may require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term. If the superintendent refuses to permit a person confined, who is~~

otherwise eligible for a work release program, to participate in such program, that person shall have the right to petition the court for a hearing on the matter, and the decision of the court shall be conclusive.]

10 Motor Vehicles; Habitual Offenders. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he or she shall be guilty of a felony and sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility ~~[and the]~~. *The sentencing court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 [on such terms and conditions as the court may order;] based on the rules and regulations of the county correctional facility where the sentence is to be served* for the minimum mandatory term or any portion thereof, provided the offender first serves ~~[8 consecutive weekends or]~~ 14 consecutive days of imprisonment prior to eligibility for home confinement. Habitual offenders shall only be eligible for the home confinement ~~[sentencing option]~~ *program* once per lifetime. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

11 Sentence to County Correctional Facility; Year or Less. Amend RSA 651:17, II to read as follows:

II. The sentence shall be that the offender be confined to hard labor, for the term ordered by the court, in the county correctional facility ~~[, except where otherwise expressly provided]~~ *of the county in which the crime was committed.*

12 Discretionary Sentences; Release for Purpose of Gainful Employment. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment, Rehabilitation or Home Confinement. ~~[Any]~~ *A sentencing court may order any person who has been committed to a [penal] correctional institution other than state prison under a criminal sentence may be released therefrom [by the sentencing court at the time of sentence or at any time during the term of sentence;] for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or to serve the sentence under home confinement, provided the [offender first serves 8 consecutive weekends or] correctional facility has a home confinement program. If the superintendent determines the person is inappropriate for the home confinement program, the court shall be notified and, at the request of the defendant, a hearing may be scheduled. In any case, the defendant shall first serve 14 consecutive days prior to eligibility for home confinement, or for such other purpose as the court may deem conducive to his or her rehabilitation, for such times or intervals of time and under such terms and conditions as the [court may order] rules and regulations of the correctional facility may allow.* Any part of a day spent in the free community, or in home confinement, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody and employment, he or she shall be returned to the ~~[sentencing court]~~ *correctional facility*. The ~~[court]~~ *superintendent* may then require that the balance of the person's sentence be spent in actual confinement ~~[and may cancel any earned reduction of his or her term].~~

Referred to Criminal Justice and Public Safety.

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Public Works and Highways: This legislation changes the rate from 1 cent to ¾ cent per gallon that can be refunded to gasoline dealers for shrinkage. All parties agree that shrinkage does occur but with new technology, such as new tanks and pumps, much less is lost. Vote 17-1.

**Amendment (1363h)**

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Retail Dealers; Refund Rate. Amend RSA 260:48, 1 to read as follows:

1. The amount of refund shall be computed at the rate of  $\frac{3}{4}$  of one percent of the toll paid on gross purchases.

**AMENDED ANALYSIS**

This bill reduces the rate used to calculate refunds to retail dealers for road tolls paid on account of shrinkage or loss by evaporation of motor fuel.

Referred to Finance.

**SJR 1, approving certain uses of Weeks state park. OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: This legislation encourages the Division of Parks and Recreation to enter into a lease agreement with a cellular communications provider. The agreement would allow for the installation of cellular communications equipment entirely within the existing stone structure of the Weeks State Park in Lancaster, New Hampshire. After careful consideration, and further consultation with the Attorney General's office, the committee endorses this resolution and strongly believes that the proposed use is in keeping with the stipulated deed restrictions of the Weeks' Estate. Further, the committee agreed that the contract will hopefully make the state park self-funded and the enhanced communications will improve both the safety and economic vitality in this rural region of the state. Vote 16-2.

**SB 58-FN-A, relative to the net operating loss under the business profits tax. OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: As passed by the Senate, this bill failed to accomplish the stated purpose of eliminating net operating loss carry-back requirements. The amendment is a technical correction that restores a date reference in the statute and thereby does effect the desired result. The change will not alter FY '04 or FY '05 business profits tax revenues, but will cause a \$2 million reduction in the Business Profits Tax in FY '06 and thereafter. Vote 15-0.

**Amendment (1520h)**

Amend the introductory paragraph of RSA 77-A:4, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 [~~provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b)(3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed~~]. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3. Net operating losses may only be carried forward for the 10 years following the loss year. For taxable periods ending: Referred to Finance.

**SB 139, relative to exhibition fees charged by the boxing and wrestling commission. OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Hughes for Ways and Means: This bill allows the commission to waive boxing and wrestling exhibition fees, in its sole discretion, for amateur boxing and wrestling events to the extent that the proceeds are used for charitable purposes and that the sponsor is a 501(c) (3) entity. Vote 13-1.

**Amendment (1466h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Permit and License Fees; Nonprofit Organizations. Amend RSA 285:13 by inserting after paragraph II the following new paragraph:

III. The commission in its sole discretion, may waive fees for amateur boxing and wrestling exhibitions to the extent that the proceeds are to be distributed for charitable purposes to organizations which are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill allows the commission to waive amateur boxing and wrestling exhibition fees for non-profit organizations.

**REGULAR CALENDAR****SB 98-FN, prohibiting telemarketers from contacting customers on a federal do-not-call registry. OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: This bill, as it arrived from the Senate, had two controversial provisions that were exemptions to the telemarketing do-not-call list. The first one was that "on behalf of a newspaper to build its own circulation provided the telemarketer making such call has used and observed with respect to such call the do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc., Farmingdale, NY, or its successor organization." The second controversial provision says, "In which the sale of goods or services is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the seller." This exception stirred much discussion because of the perception that some small businesses need to make a sales call to everyone whether the consumer is on the do-not-call list or not. Clearly, if your name and phone number is not on the list your are fair game, but the majority of the committee was uncomfortable creating an exemption that would free realtors and any other small or large business from having to check the national-do-not call list simply because they are only making an appointment. The committee felt that the exemption was so broad as to help not only small businesses but also large businesses such as Sears which makes calls for appointments to sell siding and windows. This bill, as amended, is essentially the same as HB 109 that came out of the Science & Technology Committee except that the federal law that this bill mirrors is a little broader as related to computer generated calls and includes "safe harbor language" for unintentional errors. Vote 13-2.

**Amendment (1406h)**

Amend the bill by replacing all after section 2 with the following:

3 New Subdivision: Telemarketing Sales Calls. Amend RSA 359-E by inserting after section 6 the following new subdivision:

**Telemarketing Sales Calls**

359-E:7 Prohibited Telemarketing Sales Calls. Any person who is required to comply with the Federal Trade Commission Telemarketing Sales Rule, 16 C.F.R. part 310, as amended, shall also comply with the provisions of the Federal Trade Commission Telemarketing Sales Rule for telemarketing sales calls made within the state of New Hampshire. This section shall also apply to any person who would be required to comply with the Federal Trade Commission Telemarketing Sales Rule, if such person were making interstate telemarketing sales calls.

**359-E:8 Violations; Penalties.**

I. A violation of RSA 359-E:7 shall result in a civil penalty of \$11,000 per violation.

II. A violation of RSA 359-E:7 shall also constitute an unfair or deceptive act or practice. Any person injured by another's violation of this chapter may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act or practice was a willful or knowing violation of this subdivision, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this subdivision without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

4 Effective Date. This act shall take effect on January 1, 2004.

**AMENDED ANALYSIS**

This bill requires telemarketers to comply with the Federal Trade Commission's Telemarketing Sales Rule for telemarketing sales calls made within the state.

Adopted.

Report adopted and ordered to third reading.

**SB 121-FN, relative to mortgage originator registration. OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The intent of this bill, as passed by the Senate, would require that any person engaged in the business of originating mortgage loans for compensation must be registered as a loan "originator" with the New Hampshire Banking Department. This would require

filing an application, paying a fee, and being subject to suspension, revocation or non-renewal. The committee felt that there was not sufficient evidence to justify implementing a registration process. Further, the committee believes that the licensed mortgage banker or mortgage broker is ultimately responsible for the actions of their agents/employees. The committee amendment requires the licensee to provide a list of all loan originators who originate loans on their behalf to the banking department at the time of renewal of their license. Vote 13-2.

### Amendment (1500h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to mortgage originators.

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; "Originator". RSA 397-A:1, IX is repealed and reenacted to read as follows:

IX. "Originator" means an individual who is employed and supervised by a mortgage banker or broker required to be licensed under RSA 397-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan.

2 New Subparagraph; License Application; Requirements; Originator List. Amend RSA 397-A:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) Each applicant shall provide a list of all individuals, and the address of the work location of each such individual, who will act as originators for the licensee.

3 Annual Report; Originator List Included. Amend RSA 397-A:13, I to read as follows:

1. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. ~~[Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.]~~ ***The annual report shall include a list of all individuals, and the address of the work location of each such individual, who act as originators for the licensee.***

4 New Paragraph; Definitions; "Originator". Amend RSA 398-A:1 by inserting after paragraph V the following new paragraph:

VI. "Originator" means an individual who is employed and supervised by a mortgage lender or broker required to be licensed under RSA 397-A or 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan.

5 License Required; Originator List Added. Amend RSA 398-A:1-a, II to read as follows:

II. The application for such license shall be in writing, under oath and in the form prescribed by the bank commissioner. ***Each applicant shall provide a list of all individuals, and the address of the work location of each such individual, who will act as originators for the licensee.***

6 Report; Originator List Added. Amend RSA 398-A:1-e to read as follows:

398-A:1-e Report. Each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. ~~[Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operated licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.]~~ ***The annual report shall include a list of all individuals, and the address of the work location of each such individual, who act as originators for the licensee.*** The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue. ~~[If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required under this section, the penalty prescribed in this section shall apply separately for each license held.]~~

7 Effective Date. This act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill defines the term "originator" for both first and second mortgage brokers and requires the mortgage broker to include a list of his or her originators with an application for a license and in the annual report.

Adopted.

Report adopted and ordered to third reading.

**SB 221-FN**, relative to the offense of obstructing government administration by the use of simulated legal process. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill relates to the use of a simulated legal process against a public official a misdemeanor and allows injunctive relief and restitution in addition to the criminal penalty. Although the use of simulated legal process has not been a major issue in New Hampshire, it is not unheard of. In one recent case, a simulated action was brought against a presiding district court judge summoning him before "The People's Court of New Hampshire," a non-existent court. Vote 14-2.

#### **Amendment (1440h)**

Amend RSA 638:14 as inserted by section 2 of the bill by replacing it with the following:

638:14 Unlawful Simulation of [Official Notice] **Legal Process**. A person is guilty of a misdemeanor who, with a purpose to procure the compliance of another with a request made by such person, knowingly sends, mails or delivers to such person a notice or other writing which has no judicial or other sanction, but which in its format or appearance simulates a summons, complaint, court order or process, *including, but not limited to, lien, indictment, warrant, injunction, writ, notice, pleading, subpoena, or order*, or an insignia, seal or printed form of a federal, state or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

Adopted.

Reps. Marple and Kennedy spoke against.

Rep. Stevens spoke in favor.

On a division vote, 270 members having voted in the affirmative and 77 in the negative, the report was adopted.

Ordered to third reading.

#### **SB 107-FN-A-L**, establishing a statewide education accountability system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: This bill attempts to fulfill both the federal requirement under No Child Left Behind and the recent "Claremont" decision relative to a statewide education accountability system. It creates a comprehensive accountability system that sets statewide performance targets for all New Hampshire schools, measures school performances at the state and local level, reports on these results at the school district and state level, gives schools the opportunity to receive assistance from the State Department of Education in order to meet identified state targets and creates a system of rewards for schools that excel and strategic responses for schools that do not meet statewide performance targets. Over a series of meetings, the concerns and suggestions of a multitude of interested parties were heard. The strong bipartisan vote of the committee believes this is a fair and balanced attempt at creating an accountability program designed for the State of New Hampshire. Vote 13-2.

#### **Amendment (1541h)**

Amend the bill by replacing all after the enacting clause with the following:

I Policy and Purpose. The general court hereby establishes a statewide accountability system to ensure that public schools are providing all students an opportunity to receive an adequate public education as set forth in RSA 193-E:1-2. A comprehensive, statewide educational accountability system should include:

- I. Statewide performance targets for all schools.
- II. Systematic measurement of school performance at the state and local level using multiple valid measures.
- III. Reporting on pupil performance at the school, school district, and state levels.
- IV. The opportunity for schools that are not making satisfactory progress toward statutory performance targets to receive assistance from the state, including assistance with the development, implementation, and evaluation of local education improvement plans designed to meet state targets and any performance targets developed locally to meet identified educational needs.
- V. A statewide system of recognition of achievement for schools that meet or exceed statewide performance targets and strategic responses for schools that do not meet these targets.

2 Adequate Public Education; Reporting on the Delivery of Education. RSA 193-E:3 is repealed and reenacted to read as follows:

### 193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2003, and annually thereafter, each school district shall report data to the department of education, at the school and district levels for the previous school year, on the following indicators, provided that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2002-2003:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and ethnic groups.

(b) Attendance and dropout rates.

(c) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment.

(d) Percentage of graduating pupils going on to post-secondary education and military service.

(e) Number and percentage of classes taught by highly qualified teachers.

(f) Teacher and administrator turnover rates at the school and district levels.

II. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

III. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I and all enrollment and cost data related to determining the cost of an adequate education.

IV.(a) Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan. The local school district shall provide a copy of the report to the public upon request.

(b) A school or school district designated as in need of improvement under this paragraph shall have 30 days from the date of the report to appeal such designation to the commissioner of the department of education.

V. The department of education shall promote school improvement through annual recognition as deemed appropriate.

3 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

## CHAPTER 193-G

### SCHOOL PERFORMANCE AND ACCOUNTABILITY

#### 193-G:1 Definitions. In this chapter:

I. "Adequate yearly progress" means that measure of school performance as defined in 34 C.F.R. sections 200.13 through 200.18.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Highly qualified teacher" means a person who is certified by the department of education and who has demonstrated, through a process approved by the department of education, teaching skills in the core subjects of instruction.

V. "Statewide assessment" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

#### 193-G:2 Statewide Performance Targets.

I. On or before the 2013-2014 school year, schools shall ensure that all pupils are performing at the basic level or above on the statewide assessment as established in RSA 193-C.



II. In addition to the requirements of paragraph I, schools shall meet statewide performance targets as established in rules adopted by the state board of education pursuant to RSA 541-A.

III. Schools shall meet statewide performance targets as established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the statewide assessment.

IV. Schools shall meet statewide performance targets as established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to attendance rate.

V. Schools shall meet statewide performance targets as established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the percentage of pupils who graduate with a regular diploma from an approved high school.

193-G:3 Identification and Public Disclosure. \*

I. The commissioner shall annually compile and disseminate to the governor and council, the president of the senate, the speaker of the house, local school boards, superintendents of schools, the public, and shall make available on the department website, a list of schools that are not meeting the statewide performance targets set forth in RSA 193-G:2.

II. The department shall notify schools identified under this section of the availability of technical assistance. The department shall provide technical assistance to the school districts upon request.

193-G:4 Local Education Improvement Plan; Strategic Responses.

I.(a) A school or school district shall have one year from the date that a school or school district has been designated as in need of improvement pursuant to RSA 193-E:3, IV to remedy identified problems at the local level. The school or school district shall create a plan that identifies actions that it intends to take to correct the areas of concern. This plan shall be submitted to the state board within 90 days of the date that the school or school district was designated as in need of improvement. If the plan does not sufficiently address the areas of concern, the state board shall disapprove the plan within 30 days. If the state board disapproves the plan, the state board's designee shall work with the school or school district to amend the plan so that it meets state board approval. One year following the designation, if the school or school district is not making satisfactory progress in implementing its plan, the commissioner of education shall issue a notice to the school or school district and shall initiate a process for providing assistance pursuant to paragraph II; or

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department of education.

(c) On or before the one year anniversary of being designated as a school or school district in need of improvement, the commissioner shall designate a progress review team to evaluate the implementation of the improvement plans and the progress toward state performance targets. The progress review team shall deliver a report to the state board. This report shall include evidence of satisfactory implementation and progress towards state performance targets or lack thereof and recommendations regarding future actions pursuant to II(b).

II. The department of education and the state board of education shall work cooperatively with the school or school district to provide assistance as follows:

(a) Within 30 days of a school district's request for assistance pursuant to paragraph I(b), the commissioner of education may appoint a peer review team to review the educational programming and effectiveness of the school or school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 30 days of the team's appointment. Based on this report, the school or school district and superintendent shall, within 90 days of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the plan is not approved, the school or school district may revise the plan and resubmit it to the state board. The school or school district may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(b) If the state board does not approve a corrective action plan in accordance with paragraphs I(a) or II(a), or upon the state board's adoption of a progress review team recommendations, the commissioner of education shall work with the school or school district to revise the corrective action plan. If the school or school district does not revise the corrective action plan within 60 days or the state board does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board for approval. The state board shall direct the school board to implement the plan pursuant to RSA 186:5.

III. At a minimum, the corrective action plan filed by the commissioner shall:

- (a) Identify the area in which the school failed to meet the annual statewide performance targets established under RSA 193-G:2.
- (b) Identify and describe the strategy the school intends to implement to improve its performance.
- (c) Establish and explain a strategy designed to promote family and community involvement.
- (d) Detail how the school district budget reflects the goals of the local education improvement plan.

IV. In addition to the provisions of subparagraph I(b), each plan may include the following elements:

- (a) The school's curriculum including curricular priorities and instructional materials.
- (b) Instructional models that incorporate research-based practices that have been proven to be effective in improving student achievement.
- (c) Formal and informal opportunities to assess and monitor each child's progress.
- (d) Evidence of data-based decisions.
- (e) Structural reform strategies that may include schedule, organization, support mechanisms, and resources.
- (f) Shared leadership structure to support school improvement.
- (g) Professional development that is aligned with school improvement goals.
- (h) External support and resources based on their effectiveness and alignment with school improvement plan.
- (i) Extended learning activities for students.

193-G:5 Powers of the Department of Education. Nothing in this chapter shall be construed to permit either the department of education or the state board of education to take control of the daily operations of any local public school.

4 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

- (i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be developed by the department as part of a statewide assessment system.
- (j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law.

5 Statewide Education Improvement and Assessment; Duties of the Legislative Oversight Committee. RSA 193-C:8-9 are repealed and reenacted to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The committee shall:

I. Review the development and implementation of the school performance and accountability program set forth in RSA 193-G to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.

II. Review the provisions of RSA 193-G and submit a report of such review annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-G, including any changes necessitated by federal law.

IV. Confer with the commissioner and the state board of education to identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability.

VI. Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-G:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

VII. Receive reports from the state board of education summarizing any rules proposed pursuant to RSA 193-G prior to the submission of such rules to the joint legislative committee on administrative rules, and propose legislation to be submitted to establish such performance targets in state statute.

VIII. Statewide performance targets shall be developed by the department of education and recommended to the legislative oversight committee which shall review and may approve such targets no later than August 15 annually.

193-C:9 Local Education Improvement and Assessment Plan; Local Education Improvement Fund.

I. There is hereby established a local education improvement fund in the state treasury for the purpose of providing assistance to local school districts. This fund shall be nonlapsing.

II.(a) The department of education is authorized to use the amount transferred to the education improvement fund, in addition to any available federal funds for similar purposes, for any of the following purposes:

(1) To support and administer the local education improvement plan program.

(2) To collect, analyze, and report the demographic and educational improvement data.

(3) To assist local school staff with the analysis and use of school performance data.

(4) To provide grants as available to school districts for local school improvement.

(5) To provide a system of annual recognition to identify best practices and promote school improvement.

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the legislative fiscal committee and the governor and council.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

III. The priority for the use of any state funds shall be given to lower-performing non Title I schools.

6 Repeal. The following are repealed:

I. RSA 194:23-d, relative to state financial aid.

II. Section 7 of this act, relative to the department of education investigation of gains-based testing.

7 Department of Education; Gains-Based Testing. The commissioner of the department of education shall investigate the feasibility of gains-based testing in meeting the needs of a statewide testing program. The commissioner shall report all findings and recommendations to the house and senate education committees no later than November 1 of each year.

8 Effective Date.

I. Paragraph II of section 6 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect July 1, 2003.

### AMENDED ANALYSIS

This bill establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

Rep. Stephen L'Heureux spoke against.

Amendment failed.

Rep. Stephen L'Heureux offered floor amendment (1598h), spoke in favor and yielded to questions.

### Floor Amendment (1598h)

Amend the bill by replacing all after the enacting clause with the following:

I Policy and Purpose. The general court hereby establishes a statewide accountability system to ensure that public schools are providing all students an opportunity to receive an adequate public education as set forth in RSA 193-E:1-2. A comprehensive, statewide educational accountability system should include:

I. Statewide performance targets for all schools.

II. Systematic measurement of school performance at the state and local level using multiple valid measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The opportunity for schools that are not making satisfactory progress toward statutory statewide performance targets to receive assistance from the state, including assistance with the development, implementation, and evaluation of local education improvement plans designed to meet statewide performance targets and any performance targets developed locally to meet identified educational needs.

V. A statewide system of recognition of achievement for schools that meet or exceed statewide performance targets and strategic responses for schools that do not meet these targets.

2 Adequate Public Education; Reporting on the Delivery of Education. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2003, and annually thereafter, each school district shall report data to the department of education, at the school and district levels for the previous school year, on the following indicators, provided that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2002-2003:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and ethnic groups.

(b) Attendance and dropout rates.

(c) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment.

(d) Percentage of graduating pupils going on to post-secondary education and military service.

(e) Number and percentage of classes taught by highly qualified teachers.

(f) Teacher and administrator turnover rates at the school and district levels.

II. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

III. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I and all enrollment and cost data related to determining the cost of an adequate education.

IV.(a) Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) A school or school district designated as in need of improvement under this paragraph shall have 30 days from the date of the report to appeal such designation to the commissioner of the department of education.

V. The department of education shall promote school improvement through annual recognition as deemed appropriate.

3 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G  
SCHOOL PERFORMANCE AND ACCOUNTABILITY

193-G:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Highly qualified teacher" means a person who is certified by the department of education and who has demonstrated, through a process approved by the department of education, teaching skills in the core subjects of instruction.

IV. "Statewide assessment" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Performance Targets.

I. On or before the 2013-2014 school year, schools shall ensure that all pupils are performing at the basic level or above on the statewide assessment as established in RSA 193-C.

II. In addition to the requirements of paragraph I, schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in rules adopted by the state board of education pursuant to RSA 541-A.

III. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the statewide assessment.

IV. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to attendance rate.

V. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the percentage of pupils who graduate with a regular diploma from an approved high school.

VI. Notwithstanding RSA 541-A, the state board of education shall receive approval from the legislative oversight committee established in RSA 193-C prior to the submission of any rules to the joint legislative committee on administrative rules relative to statewide performance targets required under this section.

#### 193-G:3 Identification and Public Disclosure of Schools in Need of Improvement.

I. The commissioner shall annually compile and disseminate to the governor and council, the president of the senate, the speaker of the house, local school boards, superintendents of schools, the public, and shall make available on the department website, a list of schools that are not meeting the statewide performance targets established in RSA 193-G:2.

II. A school or school district designated by the commissioner as not meeting statewide performance targets shall have 30 days from the date of the report to appeal such designation to the state board of education.

#### 193-G:4 Local Education Improvement Plan; Strategic Responses.

I.(a) A school or school district shall have one year from the date that a school or school district has been designated as in need of improvement pursuant to RSA 193-G:3 to remedy identified problems at the local level. The school or school district shall create a plan that identifies actions that it intends to take to correct the areas of concern. This plan shall be submitted to the state board within 90 days of the date that the school or school district was designated as in need of improvement. If the plan does not sufficiently address the areas of concern, the state board shall disapprove the plan within 30 days. If the state board disapproves the plan, the state board's designee shall work with the school or school district to amend the plan so that it meets state board approval. One year following the designation, if the school or school district is not making satisfactory progress in implementing its plan, the commissioner of education shall issue a notice to the school or school district and shall initiate a process for providing assistance pursuant to paragraph II; or

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department of education. The department shall provide technical assistance to those schools that request assistance under this section.

(c) On or before the one year anniversary of being designated as a school or school district in need of improvement, the commissioner shall designate a progress review team to evaluate the implementation of the improvement plans and the progress toward state performance targets. The progress review team shall deliver a report to the state board. This report shall include evidence of satisfactory implementation and progress towards state performance targets or lack thereof and recommendations regarding future actions pursuant to II(b).

II. The department of education and the state board of education shall work cooperatively with the school or school district to provide assistance as follows:

(a) Within 30 days of a school district's request for assistance pursuant to paragraph I(b), the commissioner of education may appoint a peer review team to review the educational programming and effectiveness of the school or school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 30 days of the team's appointment. Based on this report, the school or school district and superintendent shall, within 90 days of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the

plan is not approved, the school or school district may revise the plan and resubmit it to the state board. The school or school district may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(b) If the state board does not approve a corrective action plan in accordance with paragraphs I(a) or II(a), or upon the state board's adoption of a progress review team recommendations, the commissioner of education shall work with the school or school district to revise the corrective action plan. If the school or school district does not revise the corrective action plan within 60 days or the state board does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board for approval. The state board shall direct the school board to implement the plan pursuant to RSA 186:5.

III. At a minimum, the corrective action plan filed by the commissioner shall:

(a) Identify the area in which the school failed to meet the annual statewide performance targets established under RSA 193-G:2.

(b) Identify and describe the strategy the school intends to implement to improve its performance.

(c) Establish and explain a strategy designed to promote family and community involvement.

(d) Detail how the school district budget reflects the goals of the local education improvement plan.

IV. In addition to the provisions of subparagraph I(b), each plan may include the following elements:

(a) The school's curriculum including curricular priorities and instructional materials.

(b) Instructional models that incorporate research-based practices that have been proven to be effective in improving student achievement.

(c) Formal and informal opportunities to assess and monitor each child's progress.

(d) Evidence of data-based decisions.

(e) Structural reform strategies that may include schedule, organization, support mechanisms, and resources.

(f) Shared leadership structure to support school improvement.

(g) Professional development that is aligned with school improvement goals.

(h) External support and resources based on their effectiveness and alignment with school improvement plan.

(i) Extended learning activities for students.

193-G:5 Powers of the Department of Education. Nothing in this chapter shall be construed to permit either the department of education or the state board of education to take control of the daily operations of any local public school.

4 New Subparagraphs: Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be developed by the department as part of a statewide assessment system.

(j) At the school, district, and state levels, to provide performance reports on specific sub-groups of pupils as required by federal law.

5 Statewide Education Improvement and Assessment; Duties of the Legislative Oversight Committee. RSA 193-C:8-9 are repealed and reenacted to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The committee shall:

I. Review the development and implementation of the school performance and accountability program set forth in RSA 193-G to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.

II. Review the provisions of RSA 193-G and submit a report of such review annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-G, including any changes necessitated by federal law.

IV. Confer with the commissioner and the state board of education to identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability.

VI. Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-G:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

VII. Review and approve statewide performance targets required under RSA 193-G:2 developed by the department of education and recommended to the legislative oversight committee by the state board of education.

VIII. Receive reports from the state board of education including rules recommended by the department to be adopted by the state board of education under RSA 541-A relative to statewide performance targets required under RSA 193-G:2. The legislative oversight committee shall propose legislation to be submitted to establish such statewide performance targets in state statute during the legislative session following the approval of any recommendations which the state board of education is required to make.

193-C:9 Local Education Improvement and Assessment Plan; Local Education Improvement Fund.

I. There is hereby established a local education improvement fund in the state treasury for the purpose of providing assistance to local school districts. This fund shall be nonlapsing.

II.(a) The department of education is authorized to use the amount transferred to the education improvement fund, in addition to any available federal funds for similar purposes, for any of the following purposes:

- (1) To support and administer the local education improvement plan program.
- (2) To collect, analyze, and report the demographic and educational improvement data.
- (3) To assist local school staff with the analysis and use of school performance data.
- (4) To provide grants as available to school districts for local school improvement.
- (5) To provide a system of annual recognition to identify best practices and promote school improvement.

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the legislative fiscal committee and the governor and council.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

III. The priority for the use of any state funds shall be given to lower-performing non Title I schools.

6 Repeal. The following are repealed:

I. RSA 194:23-d, relative to state financial aid.

II. Section 7 of this act, relative to the department of education investigation of gains-based testing.

7 Department of Education; Gains-Based Testing. The commissioner of the department of education shall investigate the feasibility of gains-based testing in meeting the needs of a statewide testing program. The commissioner shall report all findings and recommendations to the house and senate education committees no later than November 1 of each year.

8 Effective Date.

I. Paragraph II of section 6 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

Floor amendment (1598h) adopted.

Report adopted and referred to Finance.

**SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R.M. Alger for Education: This bill is a requirement under the federal No Child Left Behind Act (NCLB). Under Section 9532 of that law, any state adopting NCLB must implement a policy defining a persistently dangerous school and allowing students attending such a school the option of attending another school in the same district. This bill might be considered an umbrella over existing state law that already spells out safe school zones and pupil safety requirements under RSA 193-D & F. Vote 13-4.

### **Amendment (1514h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Persistently Dangerous Schools. Amend RSA 193 by inserting after chapter 193-F the following new chapter:

#### **CHAPTER 193-G**

#### **PERSISTENTLY DANGEROUS SCHOOLS**

##### **193-G:1 Persistently Dangerous Schools.**

I. A persistently dangerous school is a school in which 3 of the following acts have occurred as separate incidents during the period of one school year for 3 consecutive years:

- (a) Homicide under RSA 630.
- (b) First or second degree assault under RSA 631:1 and RSA 631:2.
- (c) Aggravated felonious sexual assault under RSA 632-A:1.
- (d) Arson under RSA 634:1.
- (e) Robbery as a class A felony under RSA 636:1, III; or
- (f) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

II. Any act set forth in paragraph I must occur within the school or on school grounds, during regular school hours or during a school-sponsored event, or during transportation of pupils to or from school, if such transportation is provided by the school district.

III. No later than July 1 of each year, the commissioner of the department of education shall report any persistently dangerous schools to the state board of education and to the school board of such schools.

193-G:2 Citizen's Advisory Committee. If a school is classified as a persistently dangerous school, the local school board shall establish a citizen's advisory committee to examine the conditions which led to the designation and offer input to the school board and administrators on steps which might be taken to remedy the designation and prevent further incidents. The committee shall be appointed by the local school board chairman with the advice of the local school board members. It shall include but not be limited to the principal of the designated school, the superintendent of the designated school, one member of the school board, one teacher employed at the designated school, one law enforcement official from the police department having jurisdiction in the district in which the designated school is located, and representatives of parents whose children are assigned to the designated school. The committee shall serve until the designation of a persistently dangerous school is removed.

193-G:3 Removal of Designation. Any school which is designated a persistently dangerous school, which for 2 consecutive years has operated as a safe school, shall be decertified as a persistently dangerous school. For the purposes of this section, a safe school is a school which has not had the number or frequency of qualifying events set forth in this section.

##### **193-G:4 School Choice.**

I. Any school which is designated a persistently dangerous school shall, within 5 days of being notified of such designation, notify the parents or guardian of the pupil attending such school of the option to transfer the pupil from the school to a school within the same school district, consistent with local school board policy.

II. If a pupil is the victim of any offense set forth in RSA 193-G:1, I, the school district shall, within 5 days of being notified of the incident, notify the parents or guardian of the pupil of the option to transfer the pupil to another school within the same school district, consistent with local school board policy.

193-G:5 Department of Education Authority. The commissioner of the department of education shall be the certifying authority under this chapter.

193-G:6 School Safety. Schools shall be authorized to implement policies promoting school safety.

2 New Paragraph; State Board of Education; Rulemaking. Amend RSA 186:11 by inserting after paragraph the following new paragraph:

XXIX-a. Adopt rules pursuant to RSA 541-A, relative to establishing a process for receiving, investigating, and resolving complaints from parents or legal guardians concerning school safety and school violence in nonpublic schools.



3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**SB 132-FN-A**, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for the Majority of Education: This bill has two objectives. First, it seeks to establish the Parents as Teachers program throughout Sullivan County. Under Chapter 140, laws of 2000 (SB 170), Sullivan county was chosen as the rural site for this program and the necessary funds were appropriated. The majority of the committee believed we should continue the state's commitment to this very successful program. Secondly, the bill removes oversight of the program from the Department of Health and Human Services and places it under the Department of Education. This change was made per the request of Health and Human Services believing it will result in administrative efficiency and program coordination. Vote 11-5.

Rep. Barbara J. Hagan for the Minority of Education: This legislation is the Senate component to HB 621-FN, which narrowly passed the House on April 10, 2003, after it was revealed that there would be a funding commitment that could be staggering in 2004. The legislation proposes to move a program, which rightfully belongs in HHS to Education in hopes of capturing a new revenue source. The bill funds only one program, leaving 26 other state Parents as Teachers programs with nothing. Testimony by the proponents of the bill confirmed that it "was not an academic program," that it "was not a preschool program," and that it was "more a program for social and emotional skills." The minority felt that the Claremont Parents as Teachers should not ask the state for money to continue, but should look to their local community to financially support the program.

Rep. Ingbreton spoke against and yielded to questions.

Rep. Newton spoke against.

Reps. Alger and Rodeschin spoke in favor.

On a division vote, 196 members having voted in the affirmative and 153 in the negative, the majority report was adopted.

Referred to Finance.

**SB 163-FN**, relative to the procedures of the health services planning and review board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: This bill, as amended, streamlines the review process for health services by reducing regulation, provides for public input through an oversight advisory committee, improves data collection and analysis, and increases choice for health care consumers while protecting the viability of small hospitals. In addition, SB 78 was incorporated into this bill because of the data collection benefits that were compatible with this bill. The goal of the original Certificate of Need (CON) process was to manage growth of health care facilities statewide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has not met this goal to manage growth and control costs. One report stated that the influence of CON appeared to add 20.6% to per capita hospital expenditures in the long run. Additionally, the committee found the CON process has less to do with the "quality" of the care than it did with restricting the volume of choices available to citizens for that care. The amendment provides for the transfer of existing review staff to the Department of Health & Human Services. The Health and Human Services Oversight Committee, with the assistance of a three-person citizen advisory committee, will annually assess the performance of the department in its review process. In addition the amendment specifies those health services that are subject to a certificate of review. Small hospital service areas are provided alternative choices to ensure protection from unregulated expansion of duplicate services. Finally, the existing staff will be used to do more efficient long term health care planning and assessment as well as assuring improvements in quality of care issues. Based on consideration of the information received, the committee felt that the bill would help to ensure that all New Hampshire citizens have access to high quality, cost effective health care services. Vote 15-1.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: The belief that all health care service, outpatient as well as inpatient, should be subject to similar review procedures is rationale for voting against the amended version of this bill.

**Majority Amendment (1483h)**

Amend the title of the bill by replacing it with the following:

AN ACT transferring the duties of the health services planning and review board, adding a duty to the oversight committee on health and human services, and relative to certain health care data.

Amend the bill by replacing all after the enacting clause with the following:

I Certificate of Review. RSA 151-C is repealed and reenacted to read as follows:

**CHAPTER 151-C****CERTIFICATE OF REVIEW OF PROPOSED  
NEW INSTITUTIONAL HEALTH SERVICES**

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services.

It is declared to be the public policy of this state that:

I. The general welfare and protection of the lives, health, and property of the people of this state require that all new inpatient institutional health services be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating collaboration among providers, including hospitals, ambulatory surgery centers, physicians, and others, and payors, including Medicaid, Medicare, private health insurers, and CHAMPUS, in the health care delivery system as a means of managing community health care needs and the increases in health care costs.

151-C:2 Definitions. In this chapter:

I. "Ambulatory surgical facility" means a health care facility or a portion of a health care facility which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of review.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Calendar day" includes any day, except legal holidays.

V. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VI. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12-month period before the time such services would be offered.

VII. "Certificate of review" means a certificate issued by the state agency approving the offering or development of a proposed new inpatient institutional health service.

VIII. "Confidential commercial information" means any information filed either by a health care facility in an application for certificate of review or data disclosure under RSA 126:25 that contains either a trade secret or other commercial information:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party; (ii) other persons or entities with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) That would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

IX. "Confidential financial information" means any financial information filed by a health care facility in accordance with an application for certificate of review or data disclosure under RSA 126:25:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the health care facility; (ii) other persons or entities with which the health care facility is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the health care facility has applied for financing;

(b) That would, if revealed, substantially, predictably, and adversely affect the ability of the health care facility or its affiliated interests to obtain financing on reasonable terms in competition with others seeking similar types of capital; and

(c) That could lawfully be concealed under applicable laws governing financial transactions.

X. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization which adds inpatient beds or is with the intent to add a new inpatient institutional service.

XI. "Consumer of health care" means a person who is not a provider of health care.

XII. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XIII. "Days" means calendar days.

XIV. "Department" means the department of health and human services.

XV. "Health care facility" means hospitals, ambulatory surgical facilities, specialty hospitals and nursing homes. Health care facilities shall include facilities which are publicly or privately owned or for-profit or not-for-profit, and which are licensed or required to be licensed in whole or in part by the state.

XVI. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVII. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XVIII. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XIX. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his or her own home.

XX. "Hospital" means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XXI. "Inpatient services" means all care delivered to patients staying more than 24 hours in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

XXII. "Institutional health service" means any proposed project for which a standard must be developed under RSA 151-C:5, II.

XXIII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and office.

XXIV. "Location" means service area.

XXV. "Major new facilities" means the construction, development, or other establishment of a new inpatient health care facility.

XXVI. "Nursing home or facility" means a place which shall provide, for 2 or more persons, basic domiciliary services (office, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVII. "To offer", when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay in excess of 24 hours from time of admission in a health care facility.

XXIX. "Person" means an individual, trust, state, partnership, committee, corporation, non-profit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXXI. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing office of an entity described in subparagraph (c)(2) or (c)(4).

XXXII. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Review" means the review of applications submitted in response to a request for application published by the department.

XXXVI. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVII. "Standard" means a health policy guideline developed by the department and instituted under the provisions of RSA 541-A.

151-C:3 Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to an inpatient health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

151-C:4 Prohibitions.

I. No new inpatient institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new inpatient institutional health service be made, except pursuant to obtaining a certificate of review for such service.

II. No certificate of review shall be granted by the department unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

III.(a) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, 2003, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

(b) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.

IV. Any applications for certificates of review for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

V. The department shall apply the revised standard of review to any suspended pending applications.

151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the department shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for applications (RFA's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the department shall publish a revised description thereof, as provided in this paragraph.

II. The department shall develop standards for new inpatient institutional health services. These include the following:

(a) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(b) The development and offering of new inpatient services;

(c)(1) In addition to subparagraphs II(a) and (b), the following shall apply to hospitals with fewer than 70 general hospital beds licensed by the department of health and human services:

(A) A threshold amount for construction of ambulatory surgical centers within the service area of such a hospital shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value; or

(B) The construction, development, expansion, or alteration of any such hospital requiring a capital expenditure of more than \$1,759,512. A threshold amount for construction of ambulatory surgical centers and other outpatient services (excluding physician offices) within the service area of such a hospital requiring a capital expenditure of more than \$500,000, unless there is an objection by such hospital in which case the application shall be subject to review regardless of value. The department shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index. The purchase, lease, donation, transfer, or other comparable arrangement by or on behalf of a health care provider of diagnostic or therapeutic equipment for which the cost or, in the case of donation, the value, is in excess of \$400,000, including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the department. The department shall not develop standards for the purchase of equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the equipment will not result in a substantial increase in operating costs above that of the existing or replaced equipment.

(2) Such hospital shall notify the department within 30 days of July 1, 2003 whether it wishes to be covered under the option in subparagraph (c)(1)(A) or (B). Any such hospital which fails to notify the department within the 30-day period shall automatically be covered under the option in subparagraph (c)(1)(B). A hospital may change its option after January 1, 2006 and only every 2 years thereafter.

(3) The department shall determine by rule the service areas of such hospitals.

III. The department shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of all the standards and public hearings relative to the standards. The department shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

#### 151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department must notify, in writing, the person making the request of the commencement of the 120-day standard review process or that the proposed project is not in accordance with RSA 151-C:5, II, and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

(e) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

II. In the case of a service for which there is no standard, any person may request, in writing, that the department develop a standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department shall notify, in writing, the person making the request of the commencement of the 120-day standard development process or that the service is not in accordance with RSA 151-C:5, II, and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the department shall be considered a final decision.

(f) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

III. In any standards for nursing facilities, the department shall provide that priority for a certificate of review for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of review for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of review.

151-C:7 Criteria. Every standard developed by the department shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, persons with a disability and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Review.

I. If a standard developed through RSA 151-C:5 or 151-C:6 indicates a need for additional health services, the department shall issue a request for applications. The department shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the department is requesting applications for certificates of review for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The department shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall contain such information as the department adopts by rule. The department shall not require any information which it has not adopted by rule. The information requirements established by the department may vary according to the purpose of the review or the type of health service being reviewed. In addition to the information required for submission to the department, any applicant may submit, and the department shall duly consider, any other information.

V.(a) The department shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the department, it shall notify the applicant by electronic mail or by certified mail within 21 days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the department within the 21 days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 21 days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The department shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by electronic mail or by certified mail. If the application is still found to be incomplete, the department shall mail the applicant a notification within 14 days of receipt of the additional information. If no such notification is mailed to the applicant by the department within the 14-day period, the application shall be considered complete. Within 7 days of the receipt of any information submitted pursuant to the second completeness notice, the department shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by electronic mail or by certified mail, within 7 calendar days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the department notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The department shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 14 days of completion of the completeness review under paragraph V of this section, the department shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The department shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun and the proposed schedule for review by the department.

(b) For purposes of this paragraph, "affected persons" include organizations of health care providers and organizations of health care consumers, as defined by the department by rules adopted pursuant to RSA 541-A, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by electronic mail or by certified mail. Notification to all affected persons shall be by mail and notification to members of the public shall be by newspaper. Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.

(c) If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the department, defeat any jurisdiction of the department, or adversely affect the regularity of any proceedings before the department.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the department.

VIII. The department shall establish review schedules which provide that no review by the department shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the department. In accordance with the requirements of RSA 151-C:11, the department shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the department may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90-day period. The total review period for certificate of review shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the department shall provide for access by the general public to all applications reviewed by the department and to all other written materials pertinent to department review.



X. The department shall provide in its review procedures for a public hearing. The department shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed project, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The department shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of review, the department shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the department, the applicant may file a request to amend the application only during the 45 days after the date of notification of the beginning of review. If the department grants the applicant's request, the application shall be filed 30 days after the department's approval. The department shall examine the amended application for form and completeness, for information required in RSA 151-C:7, and for conformity to all applicable standards in the request for applications. If an application is determined incomplete, the department shall notify the applicant by electronic mail or by certified mail within 14 days of receipt of the amended application. The applicant whose application is incomplete shall be allowed a maximum of 14 days from the date of receipt of the department's notification of incompleteness to provide the required additional information. The amended application shall then be considered complete and processed in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the department, an applicant shall be required by the department to file an amendment of the application when any supporting documentation or other material submitted to the department by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The department may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with subparagraph (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the department or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the department to be competing.

151-C:9 Decision Regarding Certificate of Review; Issuance of Certificate of Review; Reconsideration.

I. Upon completion of the review, the department shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of review shall be in conformance with the standard used as the basis for the request for application.

II. The department shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. If the department fails to issue a final decision within the time period specified for the review, a certificate of review shall be denied. The applicant may either request a reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the department to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the department. The department shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of review, shall be good cause if it:

- (1) Presents significant, relevant information not previously considered by the department;
- (2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the department in reaching its decision;
- (3) Demonstrates that the department has materially failed to follow its adopted procedures in reaching its decision; or
- (4) Provides such other basis for a public hearing as the department determines constitutes good cause.

(b) To be effective, a request for a reconsideration hearing shall be received by the department within 21 calendar days following the release of the department's written decision and order. The reconsideration request shall be considered by the department not more than 45 calendar days from the receipt of the reconsideration request. If granted, the hearing shall commence within 45 calendar days of receipt of the reconsideration request. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 35 calendar days after the conclusion of the hearing, the department shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the department.

#### 151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of review, if aggrieved or dissatisfied with the decision of the department, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the department is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the department unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

#### 151-C:11 Additional Rules.

I. The commissioner of the department shall adopt rules governing review of certificate of review applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control.

II. At least 45 days prior to adopting any rule, the department shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of review applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notice section of such newspapers; in addition, notice may be given through other public information channels.

#### 151-C:12 Validity of Certificates of Review; Compliance; Sanctions.

I. A certificate of review issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The department's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of review under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been commenced or completed within such period, the department's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:

(a) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$ 1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of review.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of review.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the department may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the project, the department shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the project, the department shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The applicant has submitted to the department a certified copy of a written agreement executed between the applicant and a registered general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications; or

(b) The applicant has submitted evidence to the department that there has been construction work on the project to justify and require a progress payment by the applicant to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved proposed project is sufficiently complete so that it becomes operational for the purpose for which the certificate of review was issued. A certificate of review shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of review granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

IV-a.(a) Prior to completion of the proposed project, the department may require any applicant to file a change of scope when any documentation or other material submitted to the department indicates that:

(1) The nature, scope, or location of the project will differ substantially in the opinion of the department from those described in the application.

(2) The method of financing will differ substantially because the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(b) The department may waive the requirements of subparagraph (a)(1), (2) or (3), if it is determined that the proposed change in scope of the project is technical or otherwise insignificant.

V. All applicants receiving a certificate of review or a certificate of review with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of review. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in its certificate of review application or with the conditions of the certificate of review shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this section shall be deposited in the general fund.  
151-C:13 Exemptions.

I. The following are excluded from this chapter:

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis.

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours.

(c) Infirmarys owned or operated by education institutions.

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination.

(e) Facilities and services which are intended to serve only outpatients.

(f) Hospice houses.

II. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.

#### 151-C:14 Enforcement.

I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of review as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of review issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of review, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the department or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the department, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

#### 151-C:15 Fees.

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments. Any acute care hospital, specialty hospital, nursing home, or ambulatory surgical center which does not pay the fee required under this paragraph in a timely manner shall not have its license renewed under RSA 151 until such time as the fee is paid.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

IV. Funds collected under this section shall be deposited in the general fund.

#### 151-C:16 Advisory Committee on Certificate of Review.

I. There is established an advisory committee on the certificate of review process under this chapter to monitor projects, recommend ideas, and provide input to the department. The committee shall provide a mechanism for the public sector to advise said department. The committee members are hereby encouraged to become knowledgeable about other health care organizations and associations.

II. The advisory committee shall consist of 3 public members, appointed by the governor. The members shall serve for 3-year terms and until their successors are appointed and qualified; pro-

vided, that initially one member shall serve for one year, one member for 2 years, and one member for 3 years. No member of the committee shall serve more than 2 consecutive terms. Geographic diversity shall be maintained.

III. The committee shall elect its own chairperson and shall meet on a quarterly basis. Members of the committee shall not be compensated.

IV. No person who receives a significant portion of his or her income directly or indirectly from facilities licensed under RSA 151 shall be a member of the committee.

2 Transfer of Functions, Powers, Duties and Staff. All functions, powers, duties and staff of the health services planning and review board are hereby transferred to the department of health and human services.

3 Reference Change. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers [~~including ambulatory care facilities~~], licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the [~~health services planning and review board established by RSA 151-C:3~~] *department of health and human services*. This plan shall be [~~submitted to the commissioner of health and human services by December 1, 1990~~] *completed by December 31, 2004*.

4 Data Review; Reference Change. Amend RSA 126:26 to read as follows:

126:26 Data Review. [~~The department of health and human services shall provide access, without restriction, to the data collected under RSA 126:25 to the health services planning and review board~~]. The department shall prepare a report on or before November 15, [~~1996~~] *2004*, and annually thereafter, to the speaker of the house of representatives [~~and~~], *the president of the senate, and the chairperson of the oversight committee on health and human services*. The report shall contain, but not be limited to, *an inventory of the existing health care system capacity and the projection of future system needs*, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The department of health and human services is also authorized to prepare periodic reports on [~~price~~] *health care cost* and utilization of health services for the purpose of encouraging competition.

5 Reference Change. Amend RSA 195-D:3, XII to read as follows:

XII. "Nursing home," notwithstanding any other provision of law to the contrary, means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire, and in whole or in part is, or shall be upon completion, (a) licensed as a residential care facility under RSA 151:2, I(e) or (b) can be upon receipt of a certificate of [~~need~~] *review* under RSA 151-C licensed as a nursing home under the laws of New Hampshire.

6 Reference Changes. Amend RSA 281-A:2, XII-b to read as follows:

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, [~~XVIII~~] *XVII*, health care facilities as defined in RSA 151-C:2, [~~XV-a~~] *XV*, and health maintenance organizations as defined in RSA 151-C:2, XVI.

7 Reference Changes. Amend the introductory paragraph of RSA 326-B:17, IX(a) to read as follows:

(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, [~~XIX-b~~] *XIX* and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of health and human services who:

8 Reference Change. Amend RSA 508:18, II to read as follows:

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, [~~XV-a~~] *XV*.

9 Oversight Committee on Health and Human Services; Section Heading. Amend the section heading of RSA 126-A:15 to read as follows:

126-A:15 [~~Duty~~] *Duties* of Oversight Committee.

10 New Paragraph; Duty Added. Amend RSA 126-A:15 by inserting after paragraph I the following new paragraph:

I-a. The committee shall also review on an annual basis the certificate of review of proposed new institutional health services under RSA 151-C and include any recommendations in the report required under RSA 126-A:15, III.

11 Oversight Committee on Health and Human Services; Report. Amend RSA 126-A:15, III to read as follows:

III. The committee shall report no later than the first day of November of the second year of the biennium as to its activities and recommendations *under RSA 126-A:15, I* to the speaker of the house and the president of the senate. *The committee shall report no later than the first day of November of each year as to its review and recommendations under RSA 126-A:15, I-a to the speaker of the house and the president of the senate.*

12 Statement of Purpose. The general court recognizes the need to promote informed decision-making, increase accountability in the health care system, and improve health care planning through the collection and maintenance of useful, objective, reliable, and comprehensive health care data. Under sections 12 through 16 of this act, data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices.

13 Disclosure. RSA 420-G:11, II is repealed and reenacted to read as follows:

II.(a) All health carriers shall electronically provide:

(1) Their encrypted claims data to the department and to the department of health and human services in accordance with rules approved by the commissioner of health and human services and adopted by the insurance commissioner under RSA 420-G:14.

(2) To the department of health and human services, cross-matched claims data on requested policyholders, and subscriber information necessary for third party liability for benefits provided under RSA 167, filed in accordance with rules adopted under RSA 167:3-c.

(b) The collection, storage and release of all data shall be done in accordance with the federal requirements of the Health Information Privacy and Accountability Act (HIPAA) and shall comply with the rules adopted thereunder in 45 CFR Parts 160 and 164.

14 New Paragraph; Disclosure. Amend RSA 420-G:11 by inserting after paragraph II the following new paragraph:

II-a. All health carriers and other health plans that collect the Health Employer Data and Information Set (HEDIS) shall annually submit the HEDIS information to the department.

15 Rulemaking. Amend RSA 420-G:14 to read as follows:

420-G:14 Rulemaking Authority.

I. The commissioner may adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

**II. The commissioner, with the approval of the commissioner of the department of health and human services, shall adopt rules, under RSA 541-A, defining the content, format, and schedule for the filing of encrypted claims data and HEDIS information under RSA 420-G:11.**

16 New Section; Health Care Information System. Amend RSA 420-G by inserting after section 11 the following new section:

420-G:11-a Development of a Comprehensive Health Care Information System. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size.

17 Applicability. Any existing outpatient service within a service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services as described in RSA 151-C:5, II as inserted by section 1 of this act are hereby exempted from the provisions of this act.

18 Effective Date.

I. Sections 12 through 16 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary. This bill allows applicants to be notified by electronic mail.

This bill adds a new duty to the oversight committee on health and human services.

This bill also requires the department of health and human services and the insurance department to collect encrypted health insurance claims data and to collaboratively develop a comprehensive health care information system.

Majority amendment adopted.

Majority report adopted.

Referred to Finance.

**SB 101-FN**, relative to unemployment compensation. **OUGHT TO PASS**

Rep. Robert J. Guida for Labor, Industrial and Rehabilitative Services: This bill, a recommendation of the Advisory Council on Unemployment Compensation, brings the Department of Employment Security into conformity with the Federal Unemployment Tax Act regarding the treatment of American Indian tribes, and in restricting the payment of benefits to individuals in the United States, its possessions and in contiguous countries with an unemployment compensation agreement with the United States. The bill also brings the state in line with federal law regarding the treatment of direct sellers engaged in the trade or business of distribution or delivery of newspapers. It allows the commissioner of employment security to approve vocational training programs for claimants, makes the statute consistent in so far as re-qualification provisions are concerned, and provides for appeals decisions to be mailed via first class mail. Additional provisions in the bill clarify the role of department employees as officers for serving liens and tax warrants, allow the commission to collect debts via civil action on behalf of other states and the federal government, and update the department's responsibility under the Trade Act of 1974 and the Trade Adjustment Reform Act of 2002. This bill also gives the commissioner the authority to waive debts of interest, fees and legal costs of up to \$50 for employers and claimants. Finally, the bill includes a provision that will allow school bus drivers who are employees of private contractors to collect unemployment compensation benefits during the school and summer vacations, as they have in the past, something which was put in jeopardy by a recent New Hampshire Supreme Court decision. Vote 8-5. Report adopted and ordered to third reading.

**SCR 4**, urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air Act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality. **OUGHT TO PASS**

Rep. Edward R. Leach for Science, Technology and Energy: No state has benefited more from the Clean Air Act than New Hampshire. Due to our geographic location, we are at the end of the nation's tailpipe, and most of the air pollution that is monitored in our state began its journey hundreds of miles away. Thus the national Clean Air Act does for New Hampshire something we are unable to do for ourselves. It sets uniform standards, emissions limits and attainment goals for polluters, whose effluence leaves their states and travels to us. Recent announcements from the EPA will change the rules of the Clean Air Act and that will have an adverse effect on the public health and environmental quality for New Hampshire citizens. When the proposed rules change was announced, the Attorneys General from all New England states joined together to launch a suit against the proposed rules. Then Governor Shaheen spoke out on the issue, and now Gov. Benson has directed Attorney General Heed to vigorously move forward with the suit. If successful, the suit will keep the law in place until such time as an in-depth scientific assessment can be completed by the National Academy of Sciences to determine what effect such changes would have on New England states. Our entire congressional delegation is also fighting the proposed rule change and this non-partisan resolution was overwhelmingly adopted by a strong bi-partisan vote in the committee in order to support Senators Gregg and Sununu, and Congressmen Bass and Bradley. We must give them every possible advantage as they strive to reverse this proposed, ill-advised, EPA rule change. Vote 10-1.

Rep. Slocum spoke against and yielded to questions.

Rep. Leach spoke in favor.

On a division vote, 279 members having voted in the affirmative and 63 in the negative, the report was adopted.

Ordered to third reading.

The House recessed at 12:05 p.m.

RECESS

**(Speaker Chandler in the Chair)**

The House reconvened at 1:05 p.m.

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Gibson for Ways and Means: This bill is a four-year pilot program to establish Community Reinvestment and Opportunity (CROP) zones in brownfields and economically disadvantaged areas of the state. Business tax, compensation and interest credits, for new business activity in CROP zones will be available to new and existing businesses as a way to stimulate economic development and investment, expand industrial areas, create new job growth, and increase long-term tax revenues. The yearly total compensation tax credits against the state's business taxes of \$100 million in wages and \$10 million in interest could stimulate up to 2,000 new jobs a year in the approved CROP zones. The maximum credit allowed per year during the pilot program will be \$825,000. This legislation authorizes the Dept. of Resources and Economic Development to adopt rules for the designation and the eligibility of CROP zones with legislative oversight by the Joint Legislative Fiscal Committee. This pilot program will not diminish state revenues and is expected over time to significantly increase both state and local tax receipts. Vote 15-0.

**Amendment (1528h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that establishment of community reinvestment and opportunity ("CROP") zones and tax incentives for CROP zone projects which are available to qualifying new and existing businesses in the state are effective ways to meet certain state economic objectives, such as stimulating economic redevelopment, expanding the industrial base, creating new jobs, reducing sprawl, and increasing tax revenue. Therefore, to further these economic objectives, the general court in this act authorizes the commissioner of resources and economic development to adopt rules relating to the establishment of CROP zones, providing for the designation of CROP zones, eligibility for projects within the CROP zones, tax incentives for such projects, reporting requirements, and other provisions as may be necessary for the establishment and operation of a 4-year CROP zones pilot program.

2 New Chapters: CROP Zones. Amend RSA by inserting after chapter 162-M the following new chapter:

**CHAPTER 162-N**

**COMMUNITY REINVESTMENT AND OPPORTUNITY ZONES**

162-N:1 Definition. In this chapter, "community reinvestment and opportunity zone" or "CROP zone" means a zone designated by the commissioner of resources and economic development as a CROP zone in accordance with the provisions of this chapter.

162-N:2 Designation of CROP Zone.

1. CROP zone shall mean a zone with a single continuous boundary, comprised of one or more contiguous census tracts or blocks or smaller recognizable physical areas, designated in accordance with the rules adopted under RSA 162-N:8, and certified by the commissioner of resources and economic development as being a brownfields site as defined under RSA 147-F, or having at least one of the following characteristics:

(a) The population of the municipality or municipalities in which the zone is located, according to the most recent federal census, decreased during the preceding 20 years prior to the census.

(b) At least 51 percent of the households in the census tract or tracts in which the zone is located have incomes of less than 80 percent of the median income of households in the state.

(c) At least 20 percent of households in the census tract or tracts in which the zone is located have a median income below the federal poverty level.

(d)(1) The zone contains either:

(A) Unused or underutilized industrial parks; or

(B) Vacant land, or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector; and



(2) Certification of the zone as a CROP zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the zone.

II. CROP zones shall be designated by the commissioner of resources and economic development only upon petition by the local governing body, as defined by RSA 672:6 and also including town councils. The commissioner of resources and economic development shall certify that the proposed zone meets the criteria required in paragraph I.

III. The commissioner of resources and economic development is authorized to establish an advisory board for each CROP zone established under this chapter.

162-N:3 Eligibility Requirements For Business Tax Credits. No CROP zone credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification from the commissioner of resources and economic development that it will expand the commercial or industrial base of the state, will create new jobs in the state, and will meet at least one of the following criteria:

I. The project is the creation of a facility which is determined to the satisfaction of the commissioner of resources and economic development to entail significant investment in real and/or personal property other than inventory at a location where the business has not previously operated.

II. The project will make expenditures to add buildings, machinery, equipment, or other materials, except inventory, to a facility that equal at least 50 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

III. The project will make expenditures to alter or repair a facility that equal at least 50 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

IV. The project will make expenditures to alter or repair a vacant facility equal to at least 20 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

#### 162-N:4 CROP Zone Credit Agreement.

I. The commissioner of resources and economic development shall enter into a written agreement with each taxpayer; such agreement to be certified by the commissioner of resources and economic development under this section. The agreement shall contain provisions as the commissioner of resources and economic development determines to be in the public interest, which shall include but not be limited to:

(a) Quality and quantity of jobs to be created.

(b) Duration of the taxpayer's commitments with respect to the CROP zone.

(c) The amount of the taxpayer's investment in the project.

(d) A precise definition of the location of the CROP zone facility eligible for the credit.

(e) The maximum amount of compensation as defined in RSA 77-E:1, V, that will be allowed as a CROP zone tax credit.

(f) The maximum amount of interest paid, as defined in RSA 77-E:1, XI, that will be allowed as a CROP zone tax credit.

(g) Recapture of tax credits utilized in the event that the agreement is breached.

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer shall be provided to the commissioner of revenue administration.

162-N:5 Limit on Total CROP Zone Credits. The commissioner of resources and economic development shall not exceed the following limits for the sum of all CROP zone credit agreements entered into in any fiscal year:

I. \$100,000,000 for the sum of all compensation as defined by RSA 77-E:1,V.

II. \$10,000,000 for the sum of all interest as defined by RSA 77-E:1, XI

#### 162-N:6 Determination of CROP Zone Tax Credits Eligible Amount.

I. For the purpose of determining the CROP zone credit, the amount of compensation shall be the lesser of the following:

(a) The maximum credit amount as stated in the agreement as specified by RSA 162-N:4, I(e);

(b) The increase in the total compensation in this state as determined by subtracting the total compensation in this state in the year prior to the CROP zone agreements from the total compensation in this state the year the credit is used; or

(c) The compensation as determined by RSA 77-E:1, V in the CROP zone facility.

II. For the purpose of determining the CROP zone credit, the amount of interest shall be the lesser of the following:

(a) The maximum credit amount as stated in the agreement as specified by RSA 162-N:4, I(f); or

(b) The total interest paid or accrued by the taxpayer in this state.

162-N:7 CROP Zone Tax Credits. CROP zone tax credit shall be determined by adding together the amount determined in RSA 162-N:5, I and RSA 162-N:5, II and multiplying the result by the current tax rate under RSA 77-E. The CROP zone tax credit shall be available to the taxpayer only for tax liabilities arising during the 5 consecutive tax periods following the signing of the agreement. CROP zone tax credits shall be applied against tax due under RSA 77-E. For the purpose of the credit allowed under RSA 77-A:5, X, the CROP zone credit shall be considered taxes paid under RSA 77-E. CROP zone tax credits shall not be transferable.

162-N:8 Rules.

I. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

(a) Establishment and certification of CROP zones.

(b) Criteria for and approval of projects in CROP zones, including jobs per dollar thresholds.

(c) Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the CROP zone.

II. Rules adopted under paragraph I shall require the prior approval of the legislative fiscal committee.

162-N:9 Reports. The commissioner of resources and economic development shall furnish a report annually to the governor, the senate president, and the speaker of the house which describes the results of the CROP zone program, and shall include any recommendations for further legislation regarding CROP zones.

3 New Paragraph; Business Profits Tax; CROP Zone Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XI the following new paragraph:

XII. The CROP zone tax credit, as computed in RSA 162-N:7.

4 New Section; Business Enterprise Tax; CROP Zone Tax Credit. Amend RSA 77-E by inserting after section 3 the following new section:

77-E:3-a Credit. The CROP zone tax credit, as computed in RSA 162-N:7, shall be allowed against the tax due under this chapter.

5 Authority to Enter CROP Zone Credit Agreements. The commissioner of resources and economic development shall not enter into a CROP zone credit agreement with any taxpayer after June 30, 2007.

6 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill establishes procedures for designation of community reinvestment and opportunity ("CROP") zones by the department of resources and economic development and grants the commissioner of resources and economic development rulemaking authority to develop and implement such procedures as are necessary for the establishment of a 4-year CROP zones pilot program. The bill also establishes credits against the business profits tax and the business enterprise tax for investments CROP zones determined to be eligible by the commissioner of resources and economic development. The bill grants the commissioner of revenue administration the authority to adopt rules relative to the documentation of tax credits claimed.

Adopted.

Report adopted and referred to Finance.

#### BILLS REMOVED FROM CONSENT CALENDAR

**SB 72**, relative to the regulation of small loans, title loans, and payday loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to set regulatory standards around two new types of lending programs known as "payday" loans and "title" loans. The bill also ex-

pands the existing small loan statute, RSA 399, by providing an expanded regulatory framework around the practices of small loan licensees. The enhanced regulatory framework provides the New Hampshire Banking Department with the same powers and structure it already possesses to regulate first and second mortgage bankers and brokers. The committee amendment expands and clarifies proposed limitations on both "payday" and "title" loans, and limits the exemption of licensees under the provisions of RSA 358-A and 358-C, the consumer protection act statute. Vote 15-0.

#### **Amendment (1516h)**

Amend RSA 399-A:1, XV as inserted by section 1 of the bill by replacing it with the following:

XV. "Small loan lender" means any person engaged in the business of making small loans, including title loans and payday loans.

Amend RSA 399-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall engage in the business of making small loans, title loans or payday loans in this state or with consumers located in this state, without first obtaining a license from the commissioner as provided in this chapter.

Amend RSA 399-A:2 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of this chapter or of RSA 358-A:3, no licensee, lender or person subject to this chapter shall be exempt from the provisions of RSA 358-A or RSA 358-C. Amend RSA 399-A:4, V- VIII as inserted by section 1 of the bill by replacing it with the following:

V. No license shall be issued to any person whose principal place of business is located outside of this state unless that person designates an agent residing within this state for service of process.

VI. Persons subject to or licensed under this chapter shall abide by applicable federal laws, and rules promulgated thereunder, including the Federal Truth in Lending Act, and the laws, orders, and regulations of this state. Any violation of such law, rule, or order shall be a violation of this chapter.

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

VIII. A licensee who ceases to engage in the business of a small loan lender, payday loan lender, or title loan lender at any time during a license year for any cause, including but not limited to bankruptcy, license revocation, or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the commissioner within 15 calendar days of such cessation.

IX. Any licensee may surrender any license by delivering it to the commissioner with written notice of a surrender, but such surrender shall not affect administrative, civil, or criminal liability for acts committed prior thereto.

Amend RSA 399-A:11-15 as inserted by section 1 of the bill by replacing them with the following: 399-A:11 Provisions Applicable to all Persons under this Chapter.

I. Any loan made outside this state, as permitted by the laws of the state in which the loan was made, may be collected in this state in accordance with its terms.

II. No person making small loans, payday loans, or title loans, shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner whatsoever, any statement or representation with regard to the rates, terms, or conditions which is false, misleading or deceptive.

III. This chapter, or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license, or right of a licensee hereunder, provided that such modification, amendment or repeal shall not impair or affect the obligation of any pre-existing lawful contracts between any licensee and any borrowers.

IV. No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and interest shall be computed only on unpaid principal balances. For the purpose of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and, where a fraction of a month is involved, a day shall be considered 1/30 of a month. However, if all or any part of the consideration for a loan contract is the unpaid principal balance of the prior loan with the same lender then the loan contract may include unpaid interest of such prior loan which has accrued within 60 days of the making of the loan contract.

V. If charges in excess of those permitted by this chapter shall be charged, contracted for or received except as a result of an accidental or bona fide error the contract of loan shall be void and the lender shall have no right to collect or receive any principal, charges or recompense whatsoever.

VI. No person shall take any confession of judgment or any power of attorney running to himself, herself, or any third person to confess judgment or to appear for the borrower in a judicial proceeding; nor take any note, agreement, or promise to pay which does not disclose the date and amount or maximum credit line of the note or agreement, a schedule or description of the payments to be made thereon, and the agreed charges or rates of charge; nor take any instrument in which blanks are left to be filled in after the loan is made.

VII. No person shall include any of the following provisions in a small loan, payday loan, or title loan contract:

(a) A hold-harmless clause;

(b) A confession of judgment or other waiver of the right to notice and the opportunity to be heard in an action;

(c) An agreement by the consumer not to assert any claim or defense arising out of the contract against the lender or any holder in due course;

(d) An executory waiver or a limitation of exemption from attachment, execution, or other process on real or personal property held by, owned by or due to the consumer, unless the waiver or limitation applies only to property subject to security interest executed in connection with the loan; or

(e) A clause permitting the continuation of interest after repossession of the consumer's motor vehicle.

VIII. No person shall be permitted to accept as collateral on a loan under this chapter:

(a) Real estate; or

(b) Household furniture presently in use on loans of \$2,000 or less.

IX. Any agreement purporting to convey to a lender a security interest in the property listed in paragraph VIII shall be null and void.

X. If a borrower desires to renew an existing closed-end loan, payday loan, or title loan for the purpose of obtaining additional cash a new contract shall be drawn up in its entirety and such prior loan shall be paid in full from such proceeds of the new loan. All legal papers in connection with such prior loan shall be stamped "PAID IN FULL" and returned to such borrower.

XI. No charge for any examination, service, brokerage, commission, or other fee shall be directly or indirectly made or contracted for on closed-end loans, payday loans, or title loans except the lawful fees, if any, actually and necessarily paid out by the lender to any public officer, for filing or recording in any public office any instrument securing such loan, which fees may be collected when such loan is made, or at any time thereafter and except the reasonable costs, charges, and expenses, including court costs actually incurred in connection with a repossession of the security or an actual sale of the security in foreclosure proceedings or upon entry of judgment.

XII. Credit life insurance, credit accident and health insurance, and credit involuntary unemployment insurance may be issued in connection with a loan or other credit transaction authorized by this chapter in compliance with the provisions of RSA 408:15, II and the cost of such insurance and any commission, benefit or return to the lender therefrom shall not be deemed a violation of any provision of this chapter; provided, however, that if there is more than one borrower or obligor on any such loan or credit transaction, credit life insurance providing a single benefit may cover both borrowers or obligors.

XIII. The lender may require a borrower to insure tangible personal property given to secure the loan against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan, whichever is less, and for the customary insurance term approximating the term of the loan. The borrower shall not be required to insure against unusual or exceptional risks not ordinarily insured against in policies issued to nonborrowers. The premium for such insurance may be included in the principal amount of the loan. Such insurance shall be written by or through a duly licensed insurance agent or broker with a company qualified to do business in New Hampshire. Such insurance shall name the borrower as insured but may include the lender as co-insured or protect the interest of the lender under a loss-payable clause. No lender shall require a borrower to duplicate or cancel existing insurance or to purchase insurance from a lender or any employee, affiliate, or associate of the lender or from any agent, broker, or insurance company designated by the lender, as a condition precedent to the making of the loan.

XIV. A lender in the business of making small loans, payday loans, or title loans shall include in every loan contract a notice, printed in type size equal to at least 12-point type, stating that the consumer or the consumer's attorney may file a complaint with the commissioner.

399-A:12 Provisions Applicable to Loans.

I. For any closed-end loan of \$10,000 or less, excluding charges, a lender may lend in money, goods or things of value upon such security not forbidden by RSA 399-A:12,VIII as may be agreed upon and may charge, contract for and receive charges on the entire principal of the loan, at rates agreed to in writing by the borrower and lender.

II. For any open-end loan with a line of credit of \$10,000 or less, excluding charges, a lender may charge, contract for and receive charges on the unpaid balances of the account at rates agreed to in writing by the borrower and the lender.

III. No small loan lender shall permit any person to be obligated to him or her on one or more contracts of loan the total principal balance of which is more than \$10,000.

IV. For the purpose of applying paragraphs II and III of this section only, small loan lender shall mean any single small loan lender, except that in the event any person or affiliated group of persons holds more than one small loan lender license, such person or affiliated group of persons shall be considered a single small loan lender.

V. No small loan lender shall induce any potential borrower who is not a loan customer of the lender to enter into a closed-end loan agreement, by delivering in the first instance a negotiable check for such loan to such potential borrower, without including the following information clearly printed on the endorsement side of the check:

(a) A statement which reads, "By endorsing this check, you become legally liable for repaying all moneys, including interest, as specified in the following loan agreement/disclosure statement;"

(b) The amount financed;

(c) The annual percentage rate;

(d) The number of installments; and

(e) The amount of each installment payment.

VI. Every small loan lender shall:

(a) Mail or deliver to the borrower, or if more than one, to one of them, at the time of making a loan under this chapter, a payment book in which space shall be provided for the record of all payments showing principal, interest and balance and which shall contain statements showing the date of such loan; the amount of the principal of such loan; the total interest charged for the period of such loan; the nature of the security, if any, for such loan; the name and address of the borrower and of the lender; and the description of schedule of payments on such loans. The payment book shall also have printed therein an interest calculation such as the following:

"Interpretation of Interest Charges in the Event Payments are Made when Due.

2% per month = 24% per year or \$13.47 per year on \$100

1 1/2% per month = 18% per year or \$10.01 per year on \$100"

Provided, however, a lender may provide a borrower with a monthly billing statement in lieu of a payment book and the information required above.

(b) Give to the person making any cash payment on account of any closed-end loan a receipt at the time such payment is made.

(c) Permit payment in advance in an amount equal to one or more full installments at any time during the regular business hours of the lender.

(d) Upon repayment of a closed-end loan in full, mark plainly every note or other evidence of the indebtedness or assignment signed by an obligor or a copy of any of the foregoing documents with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the lender. If the original is retained by the lender, the original shall be returned within a reasonable period of time upon the written request of the borrower.

(e) Upon repayment of an open-end loan in full, written notice from the borrower to the lender of termination of such loan and surrender to the lender of any checks or other device used to obtain credit; mark plainly every note, agreement or assignment signed by an obligor, with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the lender.

VII. No lender shall conduct the business of making loans under this chapter at any office, suite, room, or place of business where liquor or lottery tickets are sold.

399-A:13 Provisions Applicable to Payday Loan Lenders.

I. Each lender shall conspicuously post in its licensed location a schedule of interest charges, with examples using a \$300 loan payable in 14 days and 30 days. Payday loans shall incur interest only. No other charges or fees shall apply to or be collected on payday loans.

II. Each payday loan shall be evidenced by a written loan agreement, which shall be signed by the borrower and a person authorized by the lender to sign such agreements and dated the same day the loan is made and disbursed. The loan agreement shall set forth, at a minimum:

(a) The principal amount of the loan.

(b) The interest charged.

(c) The annual percentage rate, which shall be stated using that term, applicable to the transaction calculated in accordance with Federal Reserve Board Regulation Z.

(d) Evidence of receipt from the borrower of a check, dated the same date, as security for the loan, stating the amount of the check.

(e) An agreement by the lender not to present the check for payment or deposit until a specified maturity date, which date shall be at least 7 days and not more than 30 days after the date the loan is made and after which date interest shall not accrue at a greater rate than 6 percent per year.

(f) An agreement by the lender that the borrower shall have the right to cancel the loan transaction at any time before the close of business of the next business day following the date of the transaction by paying to the lender, in the form of cash or other funds instrument, the amount advanced to the borrower.

(g) An agreement that the borrower shall have the right to prepay the loan in full or in part prior to maturity by paying the lender the principal amount advanced and any accrued and unpaid interest.

III. The lender shall give a duplicate original of the loan agreement to the borrower at the time of the transaction.

IV. A lender shall not obtain any agreement from the borrower:

(a) Giving the lender or any third person power of attorney or authority to confess judgment for the borrower;

(b) Authorizing the lender or any third party to bring suit against the borrower in a court outside the state; or

(c) Waiving any right the borrower has under this chapter.

V. A lender shall not require, or accept, more than one check from the borrower as security for any loan at any one time.

VI. A lender shall not cause any person to be obligated to the lender in any capacity at any time in the principal amount of more than \$500.

VII. A lender shall not refinance, renew, or extend any loan.

VIII. A lender shall not cause a borrower to be obligated upon more than one loan at any time for the purpose of increasing charges payable by the borrower.

IX. A lender shall not require or accept a post-dated check as security for, or in payment of, a loan.

X. A lender shall not threaten, or cause to be instigated, criminal proceedings against a borrower if a check given as security for a loan is dishonored.

XI. A lender shall not take an interest in any property other than a check payable to the lender as security for a loan.

XII. A lender shall not make a loan to a borrower to enable the borrower to pay for any other product or service sold at the lender's business location.

XIII. Loan proceeds shall be disbursed in cash or by the lender's business check. No fee shall be charged by the lender or an affiliated check cashier for cashing a loan proceeds check.

XIV. A check given as security for a loan shall not be endorsed to a third party.

XV. Upon receipt of a check given as security for a loan, the lender shall stamp the check with an endorsement stating "This check is being negotiated as part of a payday loan pursuant to RSA 399-A, and any holder of this check takes it subject to all claims and defenses of the maker."

XVI. Before entering into a payday loan, the lender shall provide each borrower with a pamphlet, in form consistent with regulations promulgated by the commissioner, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number in the banking department for assistance with complaints.

XVII. Before disbursing funds pursuant to a payday loan, a lender shall provide a clear and conspicuous printed notice to the borrower indicating that a payday loan is not intended to meet long-term financial needs and that the borrower should use a payday loan only to meet short-term cash needs.

XVIII. A borrower shall be permitted to make partial payments, in increments of not less than \$50 on the loan at any time prior to maturity without charge. The lender shall give the borrower signed, dated receipts for each payment made, which shall state the balance due on the loan.

399-A:14 Provisions Applicable to Title Loan Lenders. A title loan lender shall not:

I. Charge the consumer more than one fee for dishonored checks when the consumer issues more than one check to the lender. However, the title loan lender may recover from the consumer any fee charged to the lender by an unaffiliated financial institution for each dishonored check;

II. Make more than one outstanding loan that is secured by one title;

III. Make a title loan without providing the borrower within the title loan agreement the right to cancel the title loan at any time before the close of business of the next business day following the date of the transaction by repaying to the lender in cash the amount advanced to the borrower.

IV. Offer, advertise, or make a loan with a rate of interest that is lower in the original period than in subsequent renewals.

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than 30 days. A title loan lender may allow such loan to be renewed no more than 11 additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least 5 percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by 5 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

### AMENDED ANALYSIS

This bill defines and regulates small loans, title loans, and payday loans.

Adopted.

Rep. Hunt yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 171 NAYS 109

#### YEAS 171

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Nedeau, Stephen
Pilliod, James	Rice, Thomas	Thomas, John	

#### CARROLL

Babson, David Jr	Derby, Mark	Dickinson, Howard	Hatch, Paul
McConkey, Mark	Patten, Betsey	Stevens, Stanley	

#### CHESHIRE

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Meador, David	Parkhurst, Henry
Royce, H Charles	Smith, Edwin		

#### COOS

Brady, Mark	Mears, Edgar	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Maybeck, Margie

Alger, John  
Gilman, G Michael  
Sorg, Gregory

Barker, Robert  
Giuda, Robert

Dorsett, Andrew  
Ingbrtson, Paul

**HILLSBOROUGH**

Adams, Jarvis  
Batula, Peter  
Brassard, Paul  
Carlson, Donald  
Crane, Elenore Casey  
Gargas, Carolyn  
Greenberg, Gary  
Hawkins, Ken  
Irwin, Anne-Marie  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Ross, Lawrence  
Sullivan, Francis

Allan, Nelson  
Beaton, William  
Bruno, Pierre  
Carter, Mark  
Dokmo, Cynthia  
Goulet, Maurice  
Hall, Charles  
Haytayan, Harry Jr  
Jasper, Shawn  
Lasky, Bette  
McRae, Karen  
Movsesian, Lori  
Souza, Kathleen  
Tahir, Saghir

Artz, Lawrence  
Bergeron, Jean-Guy  
Buhlman, David  
Christensen, D L Chris  
Elliott, Larry  
Goyette, Peter Jr  
Hallyburton, Margaret  
Holden, Randolph  
Katsiantonis, Thomas  
Leach, Edward  
Mercer, Robert  
Ober, Russell III  
Spiess, Paul

Balboni, Michael  
Bergin, Peter  
Cail, Kenneth  
Cote, David  
Furman, Christine  
Graham, John  
Harrington, Paul  
Hunter, Bruce  
L'Heureux, Robert  
McDonough-Wallace, Alice  
Mooney, Maureen  
Price, Pamela  
Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
DeStefano, Stephen  
Hager, Elizabeth  
Lockwood, Priscilla  
Osborne, Jessie

Colcord, J D  
Dunne, Christopher  
Jacobson, Alf  
Marple, Richard

Currier, David  
Fraser, Leo Jr  
L'Heureux, Stephen  
Nutter, Edward

DeJoie, John  
French, Barbara  
Langer, Ray  
Oliver, James

**ROCKINGHAM**

Belanger, Ronald  
Corbin, Corey  
Flanders, John Sr  
Gillick, Thomas  
Holland, James Jr  
Kelley, Jane  
Major, Norman  
Morris, Richard  
Pitts, Jacqueline  
Roessner, Kurt  
Weare, E Albert  
Zolla, William

Cady, Harriet  
DiFruscia, Anthony  
Francoeur, Sheila  
Gleason, John  
Introne, Robert  
Kobel, Rudolph  
Manning, John  
Norelli, Terie  
Priestley, Anne  
Scamman, Stella  
Welch, David

Camm, Kevin  
Dodge, Robert  
Gilbert, Jeffrey  
Gould, Kenneth  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Stritch, C Donald  
Weyler, Kenneth

Cooney, Richard  
Dumaine, Dudley  
Gilbert, Karl  
Headd, James  
Katsakiores, George  
Langone, John  
McMahon, Charles  
Packard, Sherman  
Quandt, Matthew  
Waterhouse, Kevin  
Winchell, George

**STRAFFORD**

Bemis, Alan  
Hollinger, Jeffrey  
Newton, Clifford

Creteau, Irene  
Johnson, Nancy  
Spang, Judith

Dunlap, Patricia  
Kaen, Naida

Hofemann, Roland  
Keans, Sandra

**SULLIVAN**

Cloutier, John

Leone, Richard

Rodeschin, Beverly

**NAYS 109****BELKNAP**

Whalley, Michael

Brown, Carolyn

Mock, Henry

Olimpio, J Lisbeth

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Pratt, Irene

Batchelder, Robert  
Pratt, John

Dunn, James  
Richardson, Barbara

Espiefs, Peter  
Weed, Charles



**COOS**

Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Densmore, Edward
Diamond, Estelle	Dudley, Terri	Hammond, Lee	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda		

**HILLSBOROUGH**

Arnold, Thomas Jr	Balcom, John	Brundige, Robert	Buckley, Raymond
Christiansen, Lars	Craig, James	Desmarais, Vivian	Drisko, Richard
Emerton, Larry	Fletcher, Richard	Gibson, John	Gorman, Mary
Hinkle, Peyton	Jean, Claudette	Johnson, Lionel	Konys, Christine
Kudalis, Debra	Kurk, Neal	Malloy, Chris	McElroy, Henry Jr
Messier, Irene	Milligan, Robert	Mosher, William	Pappas, Christopher
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Sweeney, Cynthia
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

**MERRIMACK**

Blanchard, Elizabeth	Clarke, Claire	Field, William	Foley, Albert
Hamm, Christine	Hess, David	Kennedy, Richard	MacKay, James
Perkins, Randy	Potter, Frances	Rush, Deanna	Soltani, Tony

**ROCKINGHAM**

Bicknell, Elbert	Casey, Kimberley	Dalrymple, Janeen	Duffy, James
Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou	Griffin, Mary
Hughes, Daniel	Johnson, Robert	Katsakiores, Phyllis	Letourneau, Robert
McCann, Richard	McEachern, Paul	O'Neil, Michael	Robertson, Carl
Ruffner, Walter	Smith, Donald	Stone, Joseph	Vallone, Matthew
Varrell, Thomas	Wiley, Robert		

**STRAFFORD**

Albert, Russell	Berube, Roger	Cataldo, Sam	Harrington, Michael
Knowles, William	Miller, Joseph	Pelletier, Arthur	Schmidt, Peter
Scott, David	Smith, Marjorie	Snyder, Clair	Twombly, James
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Donovan, Thomas	Franklin, Peter
Jones, Constance	Phinizy, James		

and the report was adopted.

Ordered to third reading.

Rep. Phyllis Woods did not vote and wished to be recorded in favor.

**SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill allows the electronic submission of violation complaints by the officer in the cruiser to comply with the Integrated Criminal Justice Information System, a portion of which is being tested in several locations in the state. It removes the requirement to have the complaints sworn to by a justice of the peace, and adds a notice on the electronic form that false statements are punishable by law. It reduces paperwork and duplication of effort on several levels. SB 40 is similar in content to HB 206, which passed the House on Feb. 13, 2003. The amendment replaces some of the Senate language with the language of the House version. Vote 11-0.

**Amendment (1438h)**

Amend RSA 592-A:7 as inserted by section 1 of the bill by replacing it with the following:

592-A:7 Complaints. Criminal proceedings before a district [~~or municipal~~] court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or

description, the party accused and the offense [~~with which he is~~] charged, *provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense shall not require a signature or an oath. Any complaint filed electronically shall include notice that making a false statement on the complaint may result in criminal prosecution.*

Adopted.

Rep. Marple spoke against.

Rep. Tholl spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**SB 59-FN, relative to administrative license suspension hearings. OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The purpose of this bill is to allow hearings for administrative license suspensions to be conducted telephonically or electronically unless the hearing examiner requires the presence of the law enforcement officer. It will reduce the number of hearings at which the law enforcement officer who is involved in the case must physically appear. It has the potential to significantly decrease both state and local expenditures. Vote 18-0.

**Amendment (1301h)**

Amend RSA 265:91-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) If the request is for a hearing, the law enforcement officer's presence shall not be required unless the request also indicates that the person desires to have the law enforcement officer present and explains the reasons therefor. If the person requests the law enforcement officer's presence, the hearing examiner shall order the presence of the officer if the examiner determines, by a preponderance of the evidence, that reasons asserted indicate that the presence of the law enforcement officer is required. The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. Except as otherwise provided in this subparagraph, the hearing may be conducted telephonically or electronically. If the person and the law enforcement officer so agree, the hearing may be conducted upon a review of the law enforcement officer's report. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained. If the hearing examiner orders the presence of the law enforcement officer, and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. The director may adopt rules relative to telephonic or electronic hearings conducted pursuant to this subparagraph.

This bill permits administrative license suspension hearings to be conducted telephonically or electronically.

Adopted.

Rep. Craig spoke against and yielded to questions.

**LAI D ON THE TABLE**

Rep. Elliott moved that **SB 59-FN**, relative to administrative license suspension hearings, be laid on the table.

On a division vote, 255 members having voted in the affirmative and 55 in the negative, the motion was adopted.

**REGULAR CALENDAR (CONT.D)**

**SB 16-FN, establishing the governor's incentive and reward program. OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: This bill rewards state workers for recommending state cost saving measures that increase efficiency in the workplace. Vote 15-0.

**Amendment (1497h)**

Amend RSA 99-E:2 as inserted by section 1 of the bill by replacing it with the following:

99-E:2 Awards. The committee shall recommend to the governor and council that either of the following awards be given to eligible state employees:

I. Monetary awards for original suggestions to improve government cost savings or efficiency. Unclassified employees shall not be eligible for monetary awards.

II. Non-monetary recognition for extraordinary service in the interest of the state. Any state employee shall be eligible based on a suggestion or service that is outside or beyond the employee's regular responsibilities or performance standards.

Rep. O'Neil spoke against.

Amendment failed.

Rep. O'Neil yielded to questions.

The question now being adoption of Ought to Pass.

Adopted.

Referred to Finance.

**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board. **OUGHT TO PASS**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: This bill is the outgrowth of a study committee in the last term. This bill establishes an advisory board to the labor commission, which shall evaluate candidates for the compensation appeals board. This bill also changes the term of the members of the compensation appeals board. Vote 9-4.

Rep. Espieffs offered floor amendment (1645h).

### Floor Amendment (1645h)

Amend RSA 281-A:42-aa I and II as inserted by section 1 of the bill by replacing them with the following:

I. There is hereby established a compensation appeals advisory board to advise the commissioner relative to candidates for the compensation appeals board, established in RSA 281-A:42-a. The board shall be composed of 7 members:

(a) One member representing labor, appointed by the commissioner from a list of nominees provided by the New Hampshire organized labor groups.

(b) One member representing business, appointed by the Business and Industry Association of New Hampshire and the New Hampshire Association of Chamber of Commerce Executives.

(c) An attorney representing plaintiffs, appointed by the New Hampshire Trial Lawyers Association.

(d) An attorney representing defendants, appointed by the New Hampshire Bar Association.

(e) One member representing insurance, appointed by the New Hampshire Adjusters Association.

(f) The president of the New Hampshire Medical Society, or designee.

(g) The director of the New Hampshire branch of the Social Security Disability Determination Service, or designee.

II. The term of office for each member of the board shall be for 3 years: provided, however, that of the members initially appointed, 2 shall be appointed for a term of one year, 2 shall be appointed for 2 years, and 3 shall be appointed for 3 years. Three members shall constitute a quorum for conducting business. No member shall serve for more than 2 consecutive terms. Members of the board may be removed from office for cause pursuant to RSA 4:1. The board shall meet as required to carry out its responsibilities. There shall be no monetary compensation provided to members who serve on the board.

Rep. Espieffs spoke in favor and yielded to questions.

Rep. Giuda spoke against.

Rep. Espieffs requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1645h).

**YEAS 112 NAYS 201**

**YEAS 112  
BELKNAP**

None

**CARROLL**

Derby, Mark

**CHESHIRE**

Allen, Peter  
Eaton, Daniel

Batchelder, Robert  
Espieffs, Peter

Dexter, Judson  
Fish, Douglas

Dunn, James  
Manning, Joseph

Meader, David  
Pratt, John  
Webber, Amy

Mitchell, McKim  
Richardson, Barbara  
Weed, Charles

Parkhurst, Henry  
Robertson, Timothy

Pratt, Irene  
Tilton, Anna

### COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

### GRAFTON

Almy, Susan  
Diamond, Estelle  
Scovner, Nancy

Benn, Bernard  
Hammond, Lee  
Sokol, Hilda

Bleyler, Ruth  
Naro, Debra

Cooney, Mary  
Nordgren, Sharon

### HILLSBOROUGH

Brassard, Paul  
Furman, Christine  
Hawkins, Ken  
Johnson, Lionel  
Lasky, Bette  
McDonough-Wallace, Alice  
Pappas, Christopher  
Sweeney, Cynthia

Buckley, Raymond  
Gibson, John  
Holden, Randolph  
Katsiantonis, Thomas  
Leach, Edward  
Mooney, Maureen  
Pilotte, Maurice  
Vaillancourt, Steve

Cote, David  
Gorman, Mary  
Irwin, Anne-Marie  
Konys, Christine  
Lefebvre, Roland  
Mosher, William  
Schulze, Joan

Craig, James  
Hallyburton, Margaret  
Jean, Claudette  
Kudalis, Debra  
Malloy, Chris  
Movsesian, Lori  
Shaw, Barbara

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Perkins, Randy  
Soltani, Tony

Blanchard, Elizabeth  
French, Barbara  
Potter, Frances  
Wallner, Mary Jane

Bouchard, Candace  
Hamm, Christine  
Rush, Deanna

Brueggemann, Donald  
Osborne, Jessie  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Ingram, Russell  
Noyes, Richard

Casey, Kimberley  
Johnson, Robert  
Pitts, Jacqueline

Coes, Betsy  
Langone, John  
Vallone, Matthew

Duffy, James  
Norelli, Terie

### STRAFFORD

Berube, Roger  
Johnson, Nancy  
Miller, Joseph  
Snyder, Clair

Brown, Julie  
Kaen, Naida  
Pelletier, Arthur  
Taylor, Kathleen

Creteau, Irene  
Keans, Sandra  
Schmidt, Peter  
Wall, Janet

Hofemann, Roland  
Knowles, William  
Smith, Marjorie

### SULLIVAN

Allison, David  
Ferland, Brenda  
Phinizy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

### NAYS 201

### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Lawton, David  
Thomas, John

Allen, Janet  
Fitzgerald, James  
Nedeau, Stephen  
Whalley, Michael

Bartlett, Gordon  
Flanders, Donald  
Pilliod, James

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas

### CARROLL

Babson, David Jr  
Kenney, Bettie  
Patten, Betsey

Brown, Carolyn  
McConkey, Mark  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

Hatch, Paul  
Olimpio, J Lisbeth

### CHESHIRE

Hunt, John  
Smith, Edwin

Laurent, John

Liebl, George

Royce, H Charles

**COOS**

Brady, Mark	King, Frederick	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buhlman, David	Cail, Kenneth	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fletcher, Richard	Gargas, Carolyn	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hall, Charles
Harrington, Paul	Haytayan, Harry Jr	Hinkle, Peyton	Hunter, Bruce
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Luebker, Bernard
McElroy, Henry Jr	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Brien, Lori
Ober, Russell III	Pepino, Leo	Price, Pamela	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Spies, Paul	Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir
Wheeler, James	Wheeler, Robert		

**MERRIMACK**

Colcord, J D	Currier, David	DeJoie, John	DeStefano, Stephen
Dunne, Christopher	Field, William	Foley, Albert	Fraser, Leo Jr
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Marple, Richard	Nutter, Edward	Oliver, James

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Dumaine, Dudley
Dupuis, Roland	Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Gleason, John	Gould, Kenneth	Griffin, Mary	Headd, James
Holland, James Jr	Hughes, Daniel	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Robertson, Carl	Roessner, Kurt
Scamman, Stella	Smith, Donald	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

**STRAFFORD**

Albert, Russell	Bemis, Alan	Cataldo, Sam	Dunlap, Patricia
Harrington, Michael	Hollinger, Jeffrey	Newton, Clifford	Scott, David
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Jones, Constance	Leone, Richard	Rodeschin, Beverly
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and floor amendment (1645h) failed.  
Report adopted and ordered to third reading.

**SB 82-FN**, relative to awards of fees and interest under workers' compensation. **OUGHT TO PASS**  
Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: This bill clarifies when interest is due and when a claimant is entitled to interest on awards under workers' compensation. This bill also clarifies when a claimant is entitled to attorney's fees in appeals of workers' compensation cases. Vote 13-0.

Rep. Espieffs spoke against and yielded to questions.

Rep. Gilman spoke in favor.

Rep. Espieffs requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 218 NAYS 99

### YEAS 218

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Thomas, John	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Mock, Henry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

#### CHESHIRE

Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
Manning, Joseph	Royce, H Charles	Smith, Edwin	

#### COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Stohl, Eric
Toll, John Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ingbreton, Paul	Maybeck, Margie	Naro, Debra	Sorg, Gregory

### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul
Brundige, Robert	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Elliott, Larry	Emerton, Larry	Fletcher, Richard
Furman, Christine	Gargas, Carolyn	Gibson, John	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hall, Charles
Hallyburton, Margaret	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Hunter, Bruce	Irwin, Anne-Marie	Jasper, Shawn
Johnson, Lionel	Kurk, Neal	L'Heureux, Robert	Leach, Edward
Luebker, Bernard	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Movesian, Lori	O'Brien, Lori	Ober, Russell III	Pepino, Leo
Price, Pamela	Ross, Lawrence	Rowe, Robert	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Spiess, Paul	Stepanek, Stephen
Tahir, Saghir	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert

### MERRIMACK

Anderson, Eric	Colcord, J D	Currier, David	DeStefano, Stephen
Dunne, Christopher	Field, William	Foley, Albert	Fraser, Leo Jr

Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Soltani, Tony

Hess, David  
Langer, Ray  
Marple, Richard

Jacobson, Alf  
Leber, William  
Nutter, Edward

Kennedy, Richard  
Lockwood, Priscilla  
Oliver, James

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
Manning, John  
Morris, Richard  
Putnam, Ed II  
Smith, Donald  
Waterhouse, Kevin  
Wiley, Robert

Bicknell, Elbert  
Cooney, Richard  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McCann, Richard  
Noyes, Richard  
Quandt, Matthew  
Stone, Joseph  
Weare, E Albert  
Winchell, George

Cady, Harriet  
Corbin, Corey  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Roessner, Kurt  
Stritch, C Donald  
Welch, David  
Zolla, William

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Newton, Clifford  
Woods, Phyllis

Bemis, Alan  
Harrington, Michael  
Scott, David

Berube, Roger  
Hofemann, Roland  
Spang, Judith

Brown, Julie  
Hollinger, Jeffrey  
Twombly, James

### SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 99

### BELKNAP

None

### CARROLL

Derby, Mark

Olimpio, J Lisbeth

### CHESHIRE

Allen, Peter  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

Batchelder, Robert  
Espiefs, Peter  
Pratt, Irene  
Tilton, Anna

Dexter, Judson  
Meador, David  
Pratt, John  
Webber, Amy

Dunn, James  
Mitchell, McKim  
Richardson, Barbara  
Weed, Charles

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

### GRAFTON

Alger, John  
Cooney, Mary  
Nordgren, Sharon

Almy, Susan  
Densmore, Edward  
Scovner, Nancy

Benn, Bernard  
Diamond, Estelle  
Sokol, Hilda

Bleyler, Ruth  
Hammond, Lee

### HILLSBOROUGH

Buckley, Raymond  
Holden, Randolph  
Kudalis, Debra  
McDonough-Wallace, Alice  
Pilote, Maurice  
Sweeney, Cynthia

Cote, David  
Jean, Claudette  
Lasky, Bette  
McElroy, Henry Jr  
Schulze, Joan

Craig, James  
Katsiantonis, Thomas  
Lefebvre, Roland  
Mooney, Maureen  
Shaw, Barbara

Gorman, Mary  
Konys, Christine  
Malloy, Chris  
Pappas, Christopher  
Sullivan, Francis

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	French, Barbara	Hamm, Christine	Osborne, Jessie
Perkins, Randy	Potter, Frances	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Gilbert, Karl
Kelley, Jane	McEachern, Paul	Norelli, Terie	Pitts, Jacqueline
Priestley, Anne	Robertson, Carl	Vallone, Matthew	

**STRAFFORD**

Cataldo, Sam	Creteau, Irene	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the committee report was adopted.  
Ordered to third reading.

**SB 157**, establishing a committee to study the vesting of development rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: The need to study the vesting of development rights came about as a result of two recent court cases. A developer claimed vested rights after 20 years. The court agreed in this case and a similar case. It has previously been the practice that four (4) years was the limit for vested rights to be exercised. The purpose of this committee will be to clarify the law on vested rights and those rights should be established by the legislature. The amendment adds to the study the subject matter of simultaneous use of growth management ordinances and impact fees (RSA 674:21(h)) in light of another New Hampshire Supreme Court case. Vote 12-0.

**Amendment (1428h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the vesting of development rights in light of the recent New Hampshire supreme court decisions in *AWL Power, Inc. v. City of Rochester*, issued December 9, 2002, and *Monahan-Fortin Properties, LLC v. Town of Hudson*, issued December 24, 2002, regarding the simultaneous use of growth management ordinances and impact fees under RSA 674:21, V(h). Rep. Patten moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Municipal and County Government.

**SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 310**, establishing a commission to study child support issues.

The President appointed Sens. Roberge, Peterson and Foster.

**HB 361-L**, permitting municipalities to form regional water districts.

The President appointed Sens. Prescott, O'Hearn and Cohen.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute.

The President appointed Sens. Clegg, Peterson and Foster.

**CONFEEEE CHANGE**

**HB 361-L**, permitting municipalities to form regional water districts.

Rep. Patten replaces Rep. Boyce.



**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 29, 2003 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 135**, relative to hotelkeeper liability for personal care services.

**SB 43**, relative to archives and records management.

**SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation.

**SB 32**, relative to municipal budget recommendations.

**SJR 1**, approving certain uses of Weeks state park.

**SB 139**, relative to exhibition fees charged by the boxing and wrestling commission.

**SB 98-FN**, prohibiting telemarketers from contacting customers on a federal do-not-call registry.

**SB 121-FN**, relative to mortgage originator registration.

**SB 221-FN**, relative to the offense of obstructing government administration by the use of simulated legal process.

**SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools.

**SB 101-FN**, relative to unemployment compensation.

**SCR 4**, urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air Act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality.

**SB 72**, relative to the regulation of small loans, title loans, and payday loans.

**SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification.

**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board.

**SB 82-FN**, relative to awards of fees and interest under workers' compensation.

**UNANIMOUS CONSENT**

Rep. Kennedy addressed the House.

**RECESS MOTION**

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 2:20 p.m.

**RECESS**

**(Rep. Lars Christiansen in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 77, 179, 212, 244, 253, 436, 831, and Senate Bills numbered 39, 48, 52, 56, 57, 66, 91, 129, 138, 145, 165, 166, 171, 173, 190, 198 and 219.

Rep. Currier, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. O'Neil in the Chair)**

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 402.

Rep. Nelson Allan, Sen. D'Allesandro for the Committee

**RECESS**

(Rep. Francoeur in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 153, 192, 208, 218, 231, 269, 394, 423, 497, 506, 515, 561, 658, 661, and 766.

Rep. Currier, Sen. D'Allesandro for the Committee

**SENATE MESSAGES****CONCURRENCE**

**HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies.

**HB 278-FN**, relative to certain acts of sexual assault.

**HB 639-FN-L**, relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.

**NONCONCURRENCE**

**HB 531**, relative to off-site improvements imposed on applicants to a planning board.

**ENROLLED BILL AMENDMENTS**

**HB 211**, relative to town clerk fee deposit requirements.

**Amendment (1655-EBA)**

Amend RSA 41:25, 1 as inserted by section 1 of the bill by replacing line 7 with the following:  
his or her services

Adopted.

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties.

**Amendment (1670-EBA)**

Amend 2000, 234:4, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The governor's commission on disability.

Amend 2000, 234:4, II(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Northeast Deaf and Hard of Hearing Services, Inc.

Amend 2000, 234:5-a as inserted by section 4 of the bill by replacing lines 3-5 with the following:

November 1, [2004] 2005. *The task force shall submit interim reports on its activities and progress to the governor and council, the speaker of the house of representatives, and the president of the senate on November 1, 2003 and November 1, 2004.* The task force shall submit its final report and

Adopted.

**HB 529**, relative to the New Hampshire seed law.

**Amendment (1659-EBA)**

Amend RSA 433:2, III(b)(3) as inserted by section 5 of the bill by replacing line 2 with the following:  
component in excess of 5 percent of the whole, and the percentage by weight of pure seed in order

Amend RSA 433:2, VII(a)(2) as inserted by section 8 of the bill by replacing line 5 with the following:  
completed within 12 months exclusive of the month of test.

Amend RSA 433:2, VIII(c) as inserted by section 9 of the bill by replacing line 1 with the following:

(c) For wildflower seed only with a pure seed percentage of less than 90 percent:

Amend RSA 433:2, XI as inserted by section 10 of the bill by replacing line 1 with the following:

XI. For combination mulch, seed, and fertilizer products:

Adopted.

**HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses.

**Amendment (1658-EBA)**

Amend RSA 72:1-c, 1 as inserted by section 1 of the bill by replacing line 4 with the following:

to it. The provisions of RSA [214:11-a, 214:12, 215-A:1, XI]; 261:71[:] and 261:72 shall not apply to

Amend RSA 80:3 as inserted by section 2 of the bill by replacing line 18 with the following:  
the director [or executive director] when the registration [or license, or both,] may be restored

Adopted.

RECESS

(Rep. Batula in the Chair)

**ENROLLED BILL AMENDMENTS****SB 43**, relative to archives and records management. (Amendment printed SJ 5/22/03)

Adopted.

**SB 82-FN**, relative to awards of fees and interest under workers' compensation. (Amendment printed SJ 5/22/03)

Adopted.

**SB 101-FN**, relative to unemployment compensation. (Amendment printed SJ 5/22/03)

Adopted.

**SJR 1**, approving certain uses of Weeks state park. (Amendment printed SJ 05/22/03)

Adopted.

**RECESS**

(Rep. Arnold in the Chair)

**SENATE MESSAGES****CONCURRENCE****HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.**HB 159**, relative to meetings of the directors of nondepository trust companies.**HB 160**, relative to removal or replacement of trustees.**HB 166**, relative to employees of the New Hampshire retirement system.**HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system.**HB 404**, relative to common trust funds.**HB 413-L**, relative to certain appeals proceedings when the taxpayer prevails.**HB 446**, relative to building permits.**HB 519-FN-A**, relative to the conservation number plate trust fund.**HB 533**, relative to health carrier disclosure for medical child support enforcement.**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan.**HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow.**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor.**HB 596-FN**, relative to health plan loss information.**HB 659-FN**, relative to penalties for failure to obey a subpoena or summons.**HB 684-FN**, relative to the insurance rating law.**HB 728-FN-A**, establishing a dedicated fund for organic certification inspections.**HB 758-FN**, relative to the criteria for medicaid eligibility.**HB 778-L**, relative to the city of Manchester school district.**HB 802-FN-A**, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.**HB 806**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.**HB 807-FN**, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust.**HB 816**, making technical corrections to the securities laws.**HB 834-L**, relative to River Road and Nimble Hill Road in the town of Newington.**NONCONCURRENCE****HB 360-FN-A-L**, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.**HB 410**, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment.**HB 547**, relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.**HB 562**, relative to an additional duty of the air pollution advisory committee.

**HB 717-FN-L**, relative to targeted aid to education.

**HB 788-FN-A**, transferring the duties of the health services planning and review board.

### RE-REFERRED TO COMMITTEE

**HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

### CONCURRENCE WITH AMENDMENTS

**SB 142-FN**, relative to advertisements on utility poles and highway signs.

**SB 206-FN**, relative to the registration of OHRVs used as grooming equipment for cross country ski trails.

**SCR 2**, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

### ENROLLED BILL AMENDMENTS

**HB 278-FN**, relative to certain acts of sexual assault.

#### Amendment (1732-EBA)

Amend RSA 632-A:4, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. A person found guilty under subparagraph I(b) of this section shall not be required to Adopted.

**HB 593-FN-L**, relative to solid waste facilities in small towns.

#### Amendment (1772-EBA)

Amend RSA 149-M:9, XIII(a) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

XIII.(a) No permit issued by the department to a town with a population of 5,000 persons or fewer shall require the town to clean up an inactive, municipally-owned, unlined landfill (inactive

Amend RSA 149-M:9, XIII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) This paragraph shall not apply to those facilities governed under the terms of 40 C.F.R. part 258.

Adopted.

**HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles.

#### Amendment (1747-EBA)

Amend RSA 361-A:2, VIII(a) as inserted by section 4 of the bill by replacing line 2 with the following:

payment of the required application fee, if the commissioner determines that the applicant's

Amend RSA 361-A:2-b, I(c) as inserted by section 5 of the bill by replacing line 2 with the following:

*of their most recent Securities and Exchange Commission Form 10-K and Form 10-Q statements.*

Amend RSA 361-A:3 as inserted by section 6 of the bill by replacing paragraphs IV and V with the following:

IV. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner

Adopted.

### RECESS

#### (Speaker Chandler in the Chair)

Rep. Giuda moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Thursday, May 29, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator, despite the black flies, despite the unending rain, and despite the lack of umpires who can call a strike when they see one, we lift up our thanks to You for the innumerable blessings You have bestowed upon us as citizens of our beloved New Hampshire. May the decisions of this honorable House uphold and defend the freedom of every person, and with abundant compassion, may those in need of assistance not be forgotten.

We remember especially this morning the brave Americans who are risking their lives, and giving their lives, to promote freedom and self-determination for the free citizens of Iraq and Afghanistan. As always, we ask for Your protective hand to be upon all those who serve in the armed forces, law enforcement agencies, emergency medical services and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Ryan Hansen led the Pledge of Allegiance.

The National Anthem was sung by Allison DeStefano, a student from Bow High School and daughter of Rep. Stephen DeStefano.

### LEAVES OF ABSENCE

Reps. Allison, Elizabeth Blanchard, Cernota, Flanagan, Ford, Olimpio and Weldy, the day, illness.

Reps. Akins, David Bouchard, Bridle, Daniels, Dorsett, Fletcher, Hess, Hunt, Stephen L'Heureux, John Manning, Marjorie Smith, Sweeney and Weldy the day, important business.

Rep. Naro, the day, death in the family.

### INTRODUCTION OF GUESTS

Lebanon High School ninth grade government class and teacher John Kelley, guests of the Lebanon delegation. Honorable Paul McGuirk, guest of Reps. Batchelder and John Pratt. Richard Hughes, guest of Rep. Hofemann. Ronald Rush, Sandy and Jerry Ratiu, Andron, Dakota and Mason Shoup, husband and guests of Rep. Rush. Jessica and Eric Itse, Jessica Fairbanks and Nicole Gillespie, guests of Rep. Itse. Penny Hamilton, guest of Rep. Francoeur. Ellen DeStefano, Tom and Nancy Destefano, wife and parents of Rep. DeStefano. Jack Roche, guest of Rep. Scott.

### INTRODUCTION OF SPECIAL GUEST

Major Joseph Daley, United States Air National Guard, an A-10 Warthog pilot with the 104<sup>th</sup> Fighter Wing, recently returned from serving in Operation Iraqi Freedom, accompanied by his wife, Kelly Ayotte and his mother-in-law, Kathy Verraco. He was a guest of the House.

### COMMUNICATION

May 28, 2003

Honorable Gene G. Chandler

Speaker of the House

I hereby tender my resignation as a Representative from the Towns of Auburn and Londonderry. It has been an honor to have served the fine people of these two towns and I shall miss serving them in the capacity of Representative. Yet, I am equally honored to move on as their County Commissioner in the Third District.

Further, thank you for the honor and confidence you have shown toward me and a big "thank you" to that great group of Representatives for all their kindnesses.

C. Donald Stritch, Rockingham County, District 75

On behalf of the House, the Speaker accepted the resignation.

**SENATE MESSAGES**  
**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 123**, relative to notice given to putative fathers in adoption proceedings. (Amendment printed SJ 5/08/03)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

**HB 214**, relative to discovery deposition of minors in criminal cases. (Amendment printed SJ 5/08/03)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

**HB 694-FN**, relative to tobacco product manufacturers not entering master settlement agreements. (Amendments printed SJ 5/22/03)

Rep. Fraser moved that the House concur and spoke in favor.

Adopted.

**HB 690-FN**, relative to agricultural crop damage. (Amendments printed SJ 5/15/03)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 825**, establishing a committee to study methods of safely reducing the prison population in the state. (Amendment printed SJ 5/22/03)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 605-FN**, relative to prohibited election day activity. (Amendment printed SJ 5/22/03)

Rep. Whalley moved that the House concur and spoke in favor.

Adopted.

**HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission.

Rep. Whalley moved that the House concur and spoke in favor. (Amendment printed SJ 5/22/03)

Adopted.

**HB 66-FN**, relative to executive agency rulemaking authority. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House concur.

Rep. Goulet spoke in favor.

Adopted.

**HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House concur and spoke in favor.

Adopted.

**HB 240**, establishing a committee to study ways to prevent suicide among young people in New Hampshire. (Amendment printed SJ 5/15/03)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission. (Amendment printed SJ 5/15/03)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Amendments printed SJ 5/22/03)

Rep. Mock moved that the House concur and spoke in favor.

Rep. Leach spoke against.

**MOTION TO LAY ON THE TABLE**

Rep. Daniel Eaton moved that **HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors, be laid on the table.

Rep. Hallyburton requested a roll call, sufficiently seconded.

The question being to lay **HB 763-FN** on the table.

**YEAS 175 NAYS 198****YEAS 175  
BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Pilliod, James	Russell, David
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**CARROLL**

Babson, David Jr	Dickinson, Howard	Patten, Betsey	Philbrick, Donald
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

**COOS**

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

**HILLSBOROUGH**

Bergin, Peter	Buckley, Raymond	Carlson, Donald	Carter, Mark
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Furman, Christine
Gargas, Carolyn	Gorman, Mary	Graham, John	Holden, Randolph
Irwin, Anne-Marie	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Lasky, Bette
Leach, Edward	Malloy, Chris	Messier, Irene	Milligan, Robert
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Scanlon, Michael	Schulze, Joan	Spiess, Paul	Sullivan, Francis
Sullivan, Jeffrey	Wheeler, Robert		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Kenison, Leon
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Gould, Kenneth
Hutchinson, Karen	Johnson, Robert	Kelley, Jane	Langley, Jane
McCann, Richard	McKinney, Betsy	McMahon, Charles	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Robertson, Carl
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew		

**STRAFFORD**

Bickford, David  
Heon, Richard  
Knowles, William  
Rous, Emma  
Vachon, Dennis

Brown, Julie  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Creteau, Irene  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Spang, Judith

**SULLIVAN**

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizz, James

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

**NAYS 198****BELKNAP**

Ahern, Omer Jr  
Dewhirst, Glenn  
Lawton, David  
Wendelboe, Fran

Allen, Janet  
Fitzgerald, James  
Nedeau, Stephen  
Whalley, Michael

Boyce, Laurie  
Flanders, Donald  
Rice, Thomas

Clark, Charles  
Laflam, Robert  
Thomas, John

**CARROLL**

Brown, Carolyn  
McConkey, Mark

Derby, Mark  
Morrow, Harry

Hatch, Paul  
Mock, Henry

Kenney, Bettie  
Stevens, Stanley

**CHESHIRE**

Fish, Douglas  
Parkhurst, Henry

Laurent, John  
Royce, H Charles

Liebl, George

Manning, Joseph

**COOS**

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick  
Woodward, David

Richardson, Herbert

**GRAFTON**

Dudley, Terri  
Maybeck, Margie

Gilman, G Michael  
Sorg, Gregory

Giuda, Robert  
Williams, Burton

Ingbretson, Paul

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Barry, J Gail  
Brassard, Paul  
Cail, Kenneth  
Coughlin, Pamela  
Gibson, John  
Greenberg, Gary  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Infantine, William  
L'Heureux, Robert  
Lessard, Rudy  
McHugh, Claire  
Moran, Edward  
Pepino, Leo  
Ross, Lawrence  
Stepanek, Stephen  
Vaillancourt, Steve

Allan, Nelson  
Balboni, Michael  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Crane, Elenore Casey  
Gonzalez, Carlos  
Hagan, Barbara  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
LaFlamme, Paul  
Luebker, Bernard  
McRae, Karen  
Mosher, William  
Pilote, Maurice  
Rowe, Robert  
Sullivan, Peter  
Wheeler, James

Allen, Timothy  
Balcom, John  
Beaton, William  
Bruno, Pierre  
Chabot, Robert  
Elliott, Larry  
Goulet, Maurice  
Haley, Robert  
Harrington, Paul  
Hopper, Gary  
Jean, Claudette  
Lawrence, James  
McDonough-Wallace, Alice  
Mercer, Robert  
O'Brien, Lori  
Price, Pamela  
Slocum, Lee  
Tahir, Saghir

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Buhlman, David  
Christiansen, Lars  
Fields, Dennis  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Hunter, Bruce  
Kerns, J Edward  
Lefebvre, Roland  
McElroy, Henry Jr  
Mooney, Maureen  
Pappas, Marc  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan

**MERRIMACK**

DeStefano, Stephen  
Langer, Ray  
Reed, Dennis

Dunne, Christopher  
Leber, William  
Soltani, Tony

Field, William  
Nutter, Edward

Kennedy, Richard  
Ouellette, Robert



**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Cooney, Richard	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou
Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	* Moore, Benjamin	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Matthew	Rausch, James	Roessner, Kurt	Ruffner, Walter
Smith, Donald	Smith, Paul	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Dunlap, Patricia	Easson, Timothy
Harrington, Michael	Hofemann, Roland	Hollinger, Jeffrey	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

**SULLIVAN**

Donovan, Thomas Rodeschin, Beverly  
and the motion to lay *HB 763-FN* on the table failed.

The question now being to concur with Senate amendments.

Rep. Phyllis Woods spoke in favor.

Rep. Dalrymple spoke against.

Rep. Wendelboe requested a roll call, sufficiently seconded.

**YEAS 197 NAYS 176****YEAS 197****BELKNAP**

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald	Laflam, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas	Thomas, John
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Brown, Carolyn	Derby, Mark	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Mock, Henry	Stevens, Stanley	

**CHESHIRE**

Fish, Douglas	Laurent, John	Liebl, George	Manning, Joseph
Parkhurst, Henry	Royce, H Charles	Smith, Edwin	

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Richardson, Herbert
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Alger, John	Barker, Robert	Dudley, Terri	Gilman, G Michael
Giuda, Robert	Ingretson, Paul	Maybeck, Margie	Sorg, Gregory
Williams, Burton			

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin

Batula, Peter  
 Brundige, Robert  
 Chabot, Robert  
 Crane, Elenore Casey  
 Fields, Dennis  
 Goyette, Peter Jr  
 Hall, Charles  
 Hawkins, Ken  
 Jasper, Shawn  
 LaFlamme, Paul  
 Luebker, Bernard  
 Mercer, Robert  
 Mosher, William  
 Pilotte, Maurice  
 Slocum, Lee  
 Tahir, Saghir

Beaton, William  
 Bruno, Pierre  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Gibson, John  
 Greenberg, Gary  
 Hallyburton, Margaret  
 Hinkle, Peyton  
 Jean, Claudette  
 Lawrence, James  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 O'Brien, Lori  
 Price, Pamela  
 Souza, Kathleen  
 Tate, Joan

Bergeron, Jean-Guy  
 Buhlman, David  
 Christiansen, Lars  
 Elliott, Larry  
 Gonzalez, Carlos  
 Hagan, Barbara  
 Hansen, Ryan  
 Hunter, Bruce  
 Kerns, J Edward  
 Lefebvre, Roland  
 McElroy, Henry Jr  
 Mooney, Maureen  
 Pappas, Marc  
 Reeves, Sandra  
 Stepanek, Stephen  
 Vaillancourt, Steve

Brassard, Paul  
 Carter, Jeffrey  
 Coughlin, Pamela  
 Emerton, Larry  
 Goulet, Maurice  
 Haley, Robert  
 Harrington, Paul  
 Infantine, William  
 L'Heureux, Robert  
 Lessard, Rudy  
 McHugh, Claire  
 Moran, Edward  
 Pepino, Leo  
 Rowe, Robert  
 Sullivan, Peter  
 Wheeler, James

### MERRIMACK

DeStefano, Stephen  
 Langer, Ray  
 Reed, Dennis

Dunne, Christopher  
 Leber, William  
 Soltani, Tony

Field, William  
 Nutter, Edward

Kennedy, Richard  
 Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
 Camm, Kevin  
 DiFruscia, Anthony  
 Dumaine, Dudley  
 Gilbert, Karl  
 Headd, James  
 Introne, Robert  
 Katsakiores, Phyllis  
 Major, Norman  
 O'Neil, Michael  
 Rausch, James  
 Smith, Paul  
 Weare, E Albert  
 Winchell, George

Bicknell, Elbert  
 Carson, Sharon  
 Dodge, Robert  
 Dupuis, Roland  
 Gillick, Thomas  
 Holland, James Jr  
 Itse, Daniel  
 Kobel, Rudolph  
 Moore, Benjamin  
 Packard, Sherman  
 Roessner, Kurt  
 Tufts, J Arthur  
 Welch, David  
 Zolla, William

Bishop, Franklin  
 Cooney, Richard  
 Doyle, Christopher  
 Fesh, Bob  
 Griffin, Mary  
 Hughes, Daniel  
 Johnson, Rogers  
 Langone, John  
 Morris, Richard  
 Putnam, Ed II  
 Ruffner, Walter  
 Varrell, Thomas  
 Weyler, Kenneth

Cady, Harriet  
 Dearborn, Bruce  
 Duffy, James  
 Flayhan, Mary Lou  
 Hamel, Albert  
 Ingram, Russell  
 Katsakiores, George  
 Letourneau, Robert  
 Noyes, Richard  
 Quandt, Matthew  
 Smith, Donald  
 Waterhouse, Kevin  
 Wiley, Robert

### STRAFFORD

Albert, Russell  
 Campbell, W Packy  
 Hofemann, Roland  
 Scott, David

Bemis, Alan  
 Cataldo, Sam  
 Hollinger, Jeffrey  
 Twombly, James

Berube, Roger  
 Easson, Timothy  
 Musler, George  
 Woods, Phyllis

Callaghan, Frank  
 Harrington, Michael  
 Newton, Clifford

Donovan, Thomas

Rodeschin, Beverly

### SULLIVAN

#### NAYS 176

#### BELKNAP

Allen, Janet

Holbrook, Robert

Pilliod, James

Russell, David

#### CARROLL

Babson, David Jr  
 Philbrick, Donald

Dickinson, Howard

Merrow, Harry

Patten, Betsey

### CHESHIRE

Allen, Peter  
 Eaton, Daniel  
 Pratt, Irene  
 Slack, Pamela

Batchelder, Robert  
 Espiefs, Peter  
 Pratt, John  
 Tilton, Anna

Dexter, Judson  
 Meader, David  
 Richardson, Barbara  
 Webber, Amy

Dunn, James  
 Mitchell, McKim  
 Robertson, Timothy  
 Weed, Charles

**COOS**

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter		

**HILLSBOROUGH**

Barry, J Gail	Bergin, Peter	Buckley, Raymond	Cail, Kenneth
Carlson, Donald	Carter, Mark	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Furman, Christine	Gargas, Carolyn
Gorman, Mary	Graham, John	Haytayan, Harry Jr	Holden, Randolph
Irwin, Anne-Marie	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Lasky, Bette
Leach, Edward	Malloy, Chris	McRae, Karen	Messier, Irene
Movesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Ross, Lawrence	Scanlon, Michael	Shaw, Barbara	Spiess, Paul
Sullivan, Francis	Sullivan, Jeffrey	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Kenison, Leon
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
Flanders, John Sr	Franceour, Sheila	Gilbert, Jeffrey	Gleason, John
Gould, Kenneth	Hutchinson, Karen	Johnson, Robert	Kelley, Jane
Langley, Jane	McCann, Richard	McEachern, Paul	McKinney, Betsy
McMahon, Charles	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Robertson, Carl	Scamman, Stella	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Vallone, Matthew	

**STRAFFORD**

Bickford, David	Brown, Julie	Creteau, Irene	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Snyder, Clair
Spang, Judith	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James		

Adopted motion to concur with Senate amendments.

**HB 75**, relative to timber harvesting. (Amendment printed SJ 5/22/03)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Phyllis Woods moved that the House reconsider its action whereby it concurred with the Senate amendments to **HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being to reconsider action taken on **HB 763-FN**.

**YEAS 172 NAYS 200****YEAS 172****BELKNAP**

Allen, Janet	Holbrook, Robert	Pilliod, James	Russell, David
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**CARROLL**

Babson, David Jr	Dickinson, Howard	Merrow, Harry	Philbrick, Donald
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Tilton, Anna	Webber, Amy	Weed, Charles

**COOS**

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin	Barry, J Gail	Bergin, Peter	Buckley, Raymond
Cail, Kenneth	Carlson, Donald	Carter, Mark	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Furman, Christine	Gargasz, Carolyn	Gorman, Mary
Graham, John	Haley, Robert	Holden, Randolph	Irwin, Anne-Marie
Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Kudalis, Debra	Kurk, Neal	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Malloy, Chris	McRae, Karen	Messier, Irene
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Ross, Lawrence	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Sullivan, Francis	Sullivan, Jeffrey	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Jacobson, Alf	Kenison, Leon	Lockwood, Priscilla	Marple, Richard
McCormick, Tom	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert

DiFruscia, Anthony  
Gould, Kenneth  
Langley, Jane  
Pitts, Jacqueline  
Scamman, Stella  
Vallone, Matthew

Flanders, John Sr  
Hutchinson, Karen  
McEachern, Paul  
Priestley, Anne  
Shultis, Elizabeth

Francoeur, Sheila  
Johnson, Robert  
Norelli, Terie  
Rausch, James  
Splaine, James

Gilbert, Jeffrey  
Kelley, Jane  
Pantelakos, Laura  
Robertson, Carl  
Stone, Joseph

## STRAFFORD

Brown, Julie  
Heon, Richard  
Knowles, William  
Rous, Emma  
Wall, Janet

Creteau, Irene  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter

Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Spang, Judith

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Vachon, Dennis

## SULLIVAN

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

Franklin, Peter  
Leone, Richard

## NAYS 200

### BELKNAP

Ahern, Omer Jr  
Dewhirst, Glenn  
Lawton, David  
Wendelboe, Fran

Bartlett, Gordon  
Fitzgerald, James  
Nedeau, Stephen  
Whalley, Michael

Boyce, Laurie  
Flanders, Donald  
Rice, Thomas

Clark, Charles  
Lafiam, Robert  
Thomas, John

## CARROLL

Brown, Carolyn  
McConkey, Mark

Derby, Mark  
Mock, Henry

Hatch, Paul  
Patten, Betsey

Kenney, Bettie  
Stevens, Stanley

## CHESHIRE

Fish, Douglas  
Parkhurst, Henry

Laurent, John  
Royce, H Charles

Liebl, George  
Smith, Edwin

Manning, Joseph

## COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick  
Woodward, David

Richardson, Herbert

## GRAFTON

Dudley, Terri  
Maybeck, Margie

Gilman, G Michael  
Sorg, Gregory

Giuda, Robert  
Williams, Burton

Ingbreton, Paul

## HILLSBOROUGH

Adams, Jarvis  
Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Christensen, D L Chris  
Elliott, Larry  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
Hunter, Bruce  
Kerns, J Edward  
Lessard, Rudy  
McHugh, Claire  
Moran, Edward

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Christiansen, Lars  
Fields, Dennis  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Infantine, William  
L'Heureux, Robert  
Luebker, Bernard  
Mercer, Robert  
Mosher, William

Allen, Timothy  
Balcom, John  
Brassard, Paul  
Carter, Jeffrey  
Coughlin, Pamela  
Gibson, John  
Greenberg, Gary  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Milligan, Robert  
O'Brien, Lori

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Crane, Elenore Casey  
Gonzalez, Carlos  
Hagan, Barbara  
Harrington, Paul  
Hopper, Gary  
Jean, Claudette  
Lawrence, James  
McElroy, Henry Jr  
Mooney, Maureen  
Pappas, Marc

Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Vaillancourt, Steve

Pilotte, Maurice  
Slocum, Lee  
Sullivan, Peter  
Wheeler, James

Price, Pamela  
Souza, Kathleen  
Tahir, Saghir

Reeves, Sandra  
Spiess, Paul  
Tate, Joan

### MERRIMACK

Colcord, J D  
Foley, Albert  
MacKay, James  
Soltani, Tony

Currier, David  
Kennedy, Richard  
Nutter, Edward

Dunne, Christopher  
Langer, Ray  
Ouellette, Robert

Field, William  
Leber, William  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Dodge, Robert  
Dupuis, Roland  
Gillick, Thomas  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Carson, Sharon  
Doyle, Christopher  
Fesh, Bob  
Gleason, John  
Holland, James Jr  
Itse, Daniel  
Kobel, Rudolph  
McCann, Richard  
Morris, Richard  
Putnam, Ed II  
Smith, Donald  
Waterhouse, Kevin  
Wiley, Robert

Bishop, Franklin  
Cooney, Richard  
Duffy, James  
Flayhan, Mary Lou  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Quandt, Matthew  
Smith, Paul  
Weare, E Albert  
Winchell, George

Cady, Harriet  
Dearborn, Bruce  
Dumaine, Dudley  
Gilbert, Karl  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
McMahon, Charles  
O'Neil, Michael  
Roessner, Kurt  
Tufts, J Arthur  
Welch, David  
Zolla, William

### STRAFFORD

Bemis, Alan  
Campbell, W Packy  
Hofemann, Roland  
Scott, David

Berube, Roger  
Cataldo, Sam  
Hollinger, Jeffrey  
Twombly, James

Bickford, David  
Easson, Timothy  
Musler, George  
Woods, Phyllis

Callaghan, Frank  
Harrington, Michael  
Newton, Clifford

### SULLIVAN

Donovan, Thomas  
and the motion to reconsider failed.

Flint, Gordon Sr

Rodeschin, Beverly

### MOTION TO PRINT DEBATE

Rep. Elliott moved that the debate on *HB 763-FN* be printed in the Permanent Journal.  
Motion failed.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 703-FN**, permitting free admission to the state park system for disabled veterans. (Amendment printed SJ 5/22/03)

Rep. Coughlin moved that the House concur and spoke in favor.  
Adopted.

**HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. (Amendment printed SJ 5/22/03)

Rep. Coughlin moved that the House nonconcur and spoke in favor.  
Adopted.

**HB 805**, establishing a consensus revenue estimating panel. (Amendment printed SJ 5/22/03)

Rep. Major moved that the House concur and spoke in favor.  
Adopted.

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. (Amendment printed SJ 5/22/03)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Quandt and Meader.

**HB 680-FN**, establishing a committee to study service contracts and repealing the law regarding legal services insurance. (Amendment printed SJ 5/22/03)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Spiess and Meader.

**HB 798**, relative to gifts by fiduciaries. (Amendment printed SJ 5/22/03)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Stepanek, Quandt and Meader.

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Amendment printed SJ 5/22/03)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Stepanek, and Meader.

**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (Amendment printed SJ 5/15/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Welch, Weare, Bicknell and Pantelakos.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. (Amendment printed SJ 5/22/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Knowles, Tholl, Stevens and Kurk.

**HB 524-FN**, relative to the annulment of certain domestic violence offenses. (Amendment printed SJ 5/15/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Knowles, Nedeau, Stevens and Tholl.

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Amendment printed SJ 5/22/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Weare, Bicknell, Welch and Pantelakos.

**HB 718-FN**, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (Amendment printed SJ 5/22/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Knowles, Tholl, Stevens and Bicknell.

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. (Amendment printed SJ 5/08/03)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Spiess, Cady, Drisko and Clemons.

**HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (Amendment printed SJ 5/08/03)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Bergin, Goulet, Hamel and DeJoie.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. (Amendments printed SJ 5/22/03)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Neil, Hunt, Batula and Schulze.

**HB 287**, establishing a professional malpractice claims study commission. (Amendments printed SJ 5/15/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Craig, Batula and MacKay.

**HB 590-FN**, relative to highway fund budget reporting requirements. (Amendment printed SJ 5/22/03)

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Leber, Candace Bouchard, Graham and Weyler.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard. (Amendments printed SJ 5/22/03)

Rep. Coughlin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Coughlin, Peter Sullivan, Headd and Easson.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 41-FN**, relative to the installation of airbags.

The President appointed Sens. Peterson, Sapareto and Foster.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, Bergeron, Ferland and Letourneau.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 164, 211, 215, 225, 278, 320, 343, 379, 434, 477, 529, 571, 593, 639, 699, 770, 802, 808 and 834 and Senate Bills numbered 32, 34, 36, 43, 53, 79, 82, 101 and SJR 1.

Rep. Currier, Sen. D'Allesandro for the Committee

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Giuda moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 152**, relative to health insurance coverage for prosthetic devices, removed by Rep. Harrington.

**SB 229**, making reference changes to the school building aid statutes, removed by Rep. Graham.

**SB 134**, relative to the regulation of real estate brokers by the real estate commission, removed by Rep. Campbell.

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers, removed by Rep. Kurk.

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes, removed by Rep. Almy.

Consent Calendar adopted.

**SB 42**, relative to charitable contributions by insurance agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark Brady for Commerce: This bill attempted to define permissible charitable contributions by insurance brokers/producers. After extensive testimony from the insurance department and industry representatives the committee felt that this bill did not effectively address the relevant issue of rebating practices by the insurance industry. The amendment updates what were antiquated rebating laws. Specifically, the bill broadly defines services that insurance brokers/producers can offer clients, taking into account how the industry has broadened its scope of services. The legislation codifies existing market practices and will have no adverse effect on the marketplace. The committee felt, however, that it was not good public policy to allow brokers/producers to rebate commissions to clients and therefore prohibits such action. Vote 14-0.



**Amendment (1532h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the insurance rebating laws.

Amend RSA 402:41 as inserted by section I of the bill by replacing it with the following:

402:41 Exceptions.

I. RSA 402:39, RSA 402:40, and RSA 417:4, IX shall not prohibit:

(a) An insurance company from paying to another insurance company or to any person who is a duly authorized producer, or an insurance company or such a person from receiving a commission in respect to any policy under which the entity or he or she is insured.

(b) An insurance company issuing non-participating life insurance from paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance.

(c) An insurance company transacting industrial insurance on the weekly payment plan from returning to policyholders, who have made premium payments for a period of at least one year directly to the company of its home or district offices, a percentage of the premium which the company would have paid for weekly collection of such premiums.

(d) Value added service, activity, or product offered or provided without a fee, or at a reduced fee, that is related to the coverage provided by an insurance contract, if the provision of such value added service, activity, or product does not violate any other applicable statute or rule, and is:

(1) Clearly identified and included within the insurance policy, annuity contract, or brokerage agreement; or

(2) Directly related to the firm's servicing of the insurance policy, annuity contract, or brokerage agreement, or offered or undertaken to provide risk control for the benefit of the client.

II. For the purposes of subparagraph I(d), "value added service, activity, or product" may include the following:

(a) Risk assessments.

(b) Risk control tools.

(c) Claims assistance.

(d) Legislative updates.

(e) Administration consulting.

**AMENDED ANALYSIS**

This bill clarifies the insurance rebating laws.

**SB 164, relative to the unauthorized use of a financial institution's name. OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The purpose of the bill is to prohibit the unauthorized use of a financial institution's name in any form of advertising or promotion to encourage or induce the purchase of a product or service. Financial institutions are prohibited by Gramm-Leach Bliley from providing customer information without prior authorization. However, certain transactions, such as mortgages, are matters of public record. Therefore the committee amended the bill to prohibit the unauthorized and deceptive use of a financial institution's name or trademark. The committee also removed a "right of private action" from the original bill. Vote 13-1.

**Amendment (1319h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the unauthorized and deceptive use of a financial institution's name.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph: Cease and Desist Order; Unauthorized and Deceptive Use of a Financial Institution's Name. Amend RSA 384:12-a by inserting after paragraph III the following new paragraph:

IV. If, in the opinion of the commissioner, an individual or business entity is engaging in or has engaged in the unauthorized and deceptive use of the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, in violation of RSA 384:67, the commissioner may issue and serve an order upon the individual or business entity requiring the individual or business entity to cease and desist from such unauthorized and deceptive use.

2 New Subdivision; Unauthorized and Deceptive Use of the Name of a Financial Institution. Amend RSA 384 by inserting after section 66 the following new subdivision:

**Unauthorized and Deceptive Use of the Name of a Financial Institution**

384:67 Unauthorized and Deceptive Use. No individual or business entity shall use in an unauthorized and deceptive manner the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, or any other financial institution as defined in the Gramm–Leach–Bliley Act (PL 102-106) in any written or oral advertisement or solicitation. Prior written consent of the financial institution shall constitute authorization and shall be an affirmative defense to any violation of this paragraph.

384:68 Cease and Desist Order. The bank commissioner may issue a cease and desist order, as provided in RSA 384:12-a, IV, against any individual or business entity which uses in an unauthorized and deceptive manner the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, in violation of RSA 384:67. The insurance commissioner may issue a cease and desist order, as provided in RSA 400-A:14, against any individual or business entity which uses in an unauthorized and deceptive manner the name or trademark of any financial subject to the jurisdiction of the insurance commissioner in violation of RSA 384:67.

3 Effective Date. This act shall take effect January 1, 2004.

**AMENDED ANALYSIS**

This bill:

- I. Prohibits the unauthorized and deceptive use of a financial institution's name or trademark.
- II. Grants the bank commissioner authority to issue a cease and desist order against any individual or business entity using a financial institution's name in an unauthorized and deceptive manner.

**SB 177, relative to credit unions. OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: This bill was submitted on behalf of the New Hampshire Banking Department and makes technical corrections to statutes governing credit unions. Specifically, it requires review and approval by the Banking Commissioner of real estate leases; allows the payment of dividends from undivided earnings provided the credit union maintains a "well capitalized" rating; reduces the verification requirement for audits; establishes guidelines for loans to officers and directors; and replaces the "Guarantee Fund" for capital reserves with the more commonly recognized concept of "regular reserves." The committee believes that these changes are warranted by the changes in the broader financial services industry. Vote 13-1.

**SB 178, relative to guaranty funds. OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The state has established by statute an Insurance Guarantee Association (or fund) to protect the insured from the failure or insolvency of his or her insurer. At present, any insured can place a claim upon the fund for an uncovered loss due to insolvency. This bill limits payment from the fund to companies whose net worth is less than \$25 million. It is felt that larger companies have the financial capacity and expertise to evaluate the risk of insolvency by the insurer. Vote 13-1.

**SB 180, making certain changes in the banking laws. OUGHT TO PASS**

Rep. Stephen T. DeStefano for Commerce: This bill makes technical corrections in seven areas: expands the list of federal regulatory agencies; allows the department to conduct joint examinations of highly rated institutions; adds credit unions who must submit quarterly reports; provides flexibility in annual reports to the Commissioner; deletes the term regular passbook; deletes the term Federal Deposit Insurance Corporation and replaces it with Federal Insured, and changes "shall" to "may" in rulemaking provisions. Vote 14-0.

**SB 181, relative to investigations by and license revocation appeals to the board of trust company incorporation. OUGHT TO PASS**

Rep. Stephen T. DeStefano for Commerce: This bill adds a section giving the board of trust subpoena power for the purpose of any investigation. The bill also removes certain rights of appeal to the board of trust because of duplicity of board members. Vote 14-0.

**SB 184, relative to reinsurance. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation, as amended, addresses two issues. First, in the event of an insolvency of a primary insurance company, the reinsurance carrier would be allowed to set-off payments to the ceding insurer against the Guaranty Fund Assessments. The second part of the bill, introduced at the request of the state treasurer, addresses the situation when an insurance company demutualizes and converts to a stock company, and lost policy holders cannot be located after a diligent search. Under normal circumstances, in New Hampshire, by the terms of the unclaimed property law, the stock company would be required to report, within five years of demutualization the name and last known address of the lost shareholder. This amendment would require that the stock company must report to the state treasurer within two years along with the cash that is due and owing to the lost shareholder. Vote 14-0.

**Amendment (1359h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to reinsurance and relative to the unclaimed property of a demutualized insurance company.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Custody and Escheat of Unclaimed and Abandoned Property; Unclaimed Demutualization Proceeds. Amend RSA 471-C by inserting after section 7 the following new section:

471-C:7-a Unclaimed Demutualization Proceeds. Unclaimed property payable or distributable in the course of a demutualization, rehabilitation, or related reorganization of a mutual insurance company is presumed abandoned 2 years after the date of demutualization, unless the owner, during the 2 years following the date of demutualization, has communicated with the insurance company either in writing or through other communication which is evidenced by a contemporaneous record on file with the insurance company, concerning the demutualization proceeds.

6 Report of Abandoned Property; Unclaimed Demutualization Proceeds Included in Reporting Requirement and Exempt from Notice Requirement. Amend RSA 471-C:19, IV and V to read as follows:

IV. The report shall be filed before November 1 of each year for property presumed to be abandoned as of June 30 of that year, but the report of any insurance company, *including the report of unclaimed demutualization proceeds under RSA 471-C:7-a*, shall be filed before May 1 of each year for funds owing under insurance policies presumed to be abandoned as of December 31 of the preceding year. On written request by any person required to file a report, the administrator may postpone the reporting date.

V. Not more than 120 days before filing the report required by this section, the holder in possession of property abandoned and subject to custody as unclaimed property under this chapter, *except for demutualization proceeds under RSA 471-C:7-a*, shall send written notice to the apparent owner at such owner's last known address informing the owner that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(b) The claim of the apparent owner is not barred by the statute of limitations; and

(c) The property has a value of \$50 or more.

7 Unclaimed Demutualization Proceeds; Supplemental Report of Abandoned Property. On or before May 1, 2004, each demutualized insurance company shall file with the state treasurer a supplemental report of abandoned property under RSA 471-C:19, as amended by section 6 of this act, relative to unclaimed demutualization proceeds issued on or before January 1, 2002.

8 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill:

I. Deletes the provision in current law which disallows setoffs of premiums payable to an insolvent insurer and clarifies the liability of the insurer.

II. Provides that unclaimed funds held by a demutualized insurance company shall be considered abandoned after 2 years, and establishes reporting requirements for unclaimed demutualization proceeds.

**SB 201, establishing a committee to study insurance practices relative to homeowner's insurance. INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would have established a study committee to examine the practice of canceling or not renewing homeowners' insurance policies when one or more claims have been made. The committee recognizes that this has become a serious problem in New Hampshire, especially in the Seacoast and North Country. However, HB 115, which covers the same subject, has been retained and the committee agreed to a thorough review of the issue using HB 115. Therefore SB 201 is not necessary at this time. Vote 13-1.

**SB 120**, relative to testimony by video teleconference in criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill permits certifying scientists from the office of community and public health (Health and Human Services), criminalists or technical specialists from the Department of Safety (State Police Laboratory), or a laboratory scientist from the Department of Corrections to give testimony by video teleconference in criminal cases. Such testimony is limited to expert testimony or to the results of tests conducted by the respective scientist or criminalist. No video teleconferencing will be permitted during felony prosecution except with the assent of the defendant and in other cases the defendant shall be notified and have an opportunity to object to the introduction of testimony by video teleconferencing. When the defendant summons a toxicologist, criminalist, laboratory scientist, or other person of similar expertise to testify as an expert witness, the defendant may also move to take such testimony by teleconferencing. Similarly, notice must be given to the state and the state shall have an opportunity to object. Vote 17-1.

**Amendment (1703h)**

Amend RSA 516:37 as inserted by section 1 of the bill by replacing it with the following:

**516:37 Testimony by Video Teleconference in Criminal Cases.**

I. In any criminal case at which a certifying scientist from the office of community and public health, a criminalist or technical specialist from the forensic laboratory of the department of safety, division of state police, or a laboratory scientist from the department of corrections is summoned to testify, the state may move to take the testimony of the scientist, criminalist, or specialist by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted by the certifying scientist or at the forensic laboratory or the department of corrections. Notice shall be provided to the defendant, and the defendant shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the defendant. Examination and cross-examination of the scientist, criminalist, or specialist shall proceed in the same manner as permitted at trial.

II. In any criminal case at which the defendant summons a toxicologist, criminalist, laboratory scientist, or other person of similar expertise to testify as an expert witness, the defendant may move to take the testimony of that witness by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted by a certifying scientist from the office of community and public health, or at the forensic laboratory of the department of safety, division of state police, or at the department of corrections. Notice shall be provided to the state, and the state shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the state. Examination and cross-examination of the expert witness shall proceed in the same manner as permitted at trial.

**AMENDED ANALYSIS**

This bill permits certain testimony to be taken by video teleconference in criminal cases.

**SB 130-FN-L**, relative to county departments of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was amended by the house as it came from the committee on Municipal and County Government. It was acknowledged that the courts had not agreed to all the provisions that relate to release for home confinement or work release. The committee has amended the bill to satisfy all concerns. The amendment corrects a typographical error in section 5 of the bill by deleting the word [or]. Section 9 of the bill, RSA 30-B:20 Work Release, was amended to include the sentencing court where it was necessary. Section 12 of

the bill amends RSA 651:19 Release for purpose of Gainful Employment, Rehabilitation or Home Confinement. The amendment again includes the sentencing court where necessary. The amendment adds sections 13 and 14 and renumbers the original sections accordingly. New section 13, RSA 30-B:22 Removal of Prisoners Because of Epidemic or Repairs to Facility is amended to allow the county commissioners to authorize the superintendent to remove prisoners to another facility instead of the current requirement that any two justices may order the removal. New section 14, RSA 651:18, Place; Reduction in Sentence, is amended to say that a prisoner shall be committed to the county facility in which the crime was committed and amends the statute to clarify that the prisoners are "in the custody of the superintendent." Section 14 of the bill will become effective on passage while the remainder becomes effective on January 1, 2004. This bill, as amended, will allow the sentencing court to order an inmate to a home confinement program if such facility has a home confinement program. It further allows the superintendent discretion. If he, the superintendent, deems an inmate is inappropriate for the program he then notifies the sentencing court and at the request of the inmate a hearing may be scheduled. The amendment includes clarifying the terms of what a home confinement program is. Finally, the amendment allows an inmate, who was on a home confinement program, to now be eligible for reduced sentencing, or early release, upon having served his or her time with good behavior. All parties appear to be satisfied with the amended bill. Vote 19-0.

### Amendment (1710h)

Amend RSA 504-A:5 as inserted by section 5 of the bill by replacing it with the following:

504-A:5 Detention of Violators. Any probationer or parolee who is arrested under the authority of RSA 504-A:4 or RSA 651-A:25 shall be detained at the county jail closest to the location where he was arrested or any other suitable confinement facility in reasonable proximity to the location where he *or she* was arrested. Such probationer or parolee shall be detained there pending a preliminary hearing *which shall be held within 72 hours from the time of arrest, excluding Saturdays, Sundays, and holidays*, or, if supervised pursuant to RSA 651-A:25, shall be detained pending a hearing, including a final revocation hearing, or transfer to the sending state. No ~~[sheriff or]~~ county correctional ~~[administrator]~~ *superintendent* shall refuse to accept a probationer or parolee committed to his *or her* facility for detention by or under the authority of a probation or parole officer.

Amend the bill by replacing section 9 with the following:

9 Employment of Offenders; Work Release. Amend RSA 30-B:20 to read as follows:

30-B:20 Work Release. ~~[Any]~~ *A sentencing court may order that any person sentenced to imprisonment in a county department of corrections facility may be released therefrom by the superintendent with the approval of the sentencing court at the time of sentence, or at any time during the term of sentence* ~~[by the court for such purpose as the court may deem conducive to his rehabilitation]~~ *based on the rules and regulations of the county correctional facility for such purposes as the superintendent may deem conducive to his or her rehabilitation*. Such release shall be for such terms or intervals of time and under such terms and conditions as ~~[the court may order the superintendent to impose]~~ *may be permitted by the facility's rules and regulations or as the court may order*. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the *sentencing* court. ~~[If a person violates the terms and conditions laid down for his conduct, custody, or employment, the court may require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term. If the superintendent refuses to permit a person confined, who is otherwise eligible for a work release program, to participate in such program, that person shall have the right to petition the court for a hearing on the matter, and the decision of the court shall be conclusive.]~~

Amend RSA 651:19 as inserted by section 12 of the bill by replacing it with the following:

651:19 Release for Purpose of Gainful Employment, Rehabilitation or Home Confinement. ~~[Any]~~ *A sentencing court may order any person who has been committed to a [penal] correctional institution other than state prison under a criminal sentence may be released therefrom [by the sentencing court at the time of sentence or at any time during the term of sentence]* for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or to serve the sentence under home confinement, provided the ~~[offender first serves 8 consecutive weekends or]~~ *correctional facility has a home confinement program. If the superintendent determines the person is inappropriate for such release,*

*the court shall be notified and, at the request of the defendant, a hearing may be scheduled. In any case, the defendant shall first serve 14 consecutive days prior to eligibility for home confinement, or for such other purpose as the court may deem conducive to his or her rehabilitation, for such times or intervals of time and under such terms and conditions as the ~~[court may order]~~ rules and regulations of the correctional facility may allow or as the court may order.* Any part of a day spent in the free community, or in home confinement, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody and employment, he or she shall be returned to the ~~[sentencing court]~~ *correctional facility*. The ~~[court]~~ *superintendent* may then require that the balance of the person's sentence be spent in actual confinement ~~[and may cancel any earned reduction of his or her term]~~.

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-14 to read as 15-16, respectively:

13 County Department of Corrections; Removal of Prisoners. Amend RSA 30-B:22 to read as follows:

30-B:22 Removal of Prisoners Because of Epidemic or Repairs to Facility. Whenever~~[, on account of]~~ the prevalence of disease, or the rebuilding or repairing of a correctional facility or for other cause, the county commissioners shall think it expedient that the prisoners be removed therefrom, ~~[any 2 justices of the superior court may order their removal]~~ *the county commissioners may authorize the superintendent to remove the prisoners* to some other ~~[correctional]~~ facility in the same or another county *location*, there to be detained, in the same manner and by the same process as in the correctional facility from which they were so removed, until removed by similar process or discharged according to law.

14 Sentence to County Correctional Facility. Amend RSA 651:18 to read as follows:

651:18 Place; Reduction in Sentence.

*I. Persons liable to commitment to a correctional facility for any offense ~~[may]~~ shall be committed to [any] the county correctional facility [at the discretion of the court. If the court sentences a person to a correctional facility in a county other than the county where the offense was committed, the expense of maintenance shall be paid by the county in which the offense was committed unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved] in the county in which the crime was committed.*

*II. Any prisoner whose conduct while in the custody of the superintendent of a county correctional facility has been meritorious may be issued a permit and discharged by the superintendent of the county department of corrections when he has served 2/3 of his minimum sentence, provided it shall appear to the superintendent to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.*

Amend the bill by replacing section 16 with the following:

16 Effective Date.

I. Sections 14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2004.

**SB 149-FN**, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill adds 2 sections to the present fraud statutes, RSA 638:1-27. New section 638:28 deals exclusively with further definitions as to what a scanning or recorder device is, as well as "payment card and merchant." New section 638:29-I and II, outlines the elements of the crime occurring when a person with intent to defraud uses a card or a scanner or recording device to obtain encoded information an individual without that person's authority. Current law does not adequately address the use of such devices. The bill enhances our present fraud statutes and prohibits using these devices to defraud others. The penalty is a class B felony for any second or subsequent conviction and keeps it a misdemeanor in all other cases. Vote 11-0.

#### **Amendment (1557h)**

Amend RSA 638:29, II as inserted by section 1 of the bill by replacing it with the following:

II. Using a scanning device or reencoder to defraud is:

(a) A class B felony if such person has one or more prior convictions in this state or another state for the conduct described in this section.

(b) A class B felony if such person used a scanning device or reencoder to defraud 2 or more times in violation of this section.

(c) A misdemeanor in all other cases.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 133**, relative to amending the charter of Dartmouth college. **OUGHT TO PASS**

Rep. J D Colcord for Education: This bill permits Dartmouth College to amend its charter in the same manner as amendments are made to the articles of agreement of a corporation provided that the Governor shall continue to serve as an ex officio member of the board of trustees. Vote 16-0.

**SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. John DeJoie for Executive Departments and Administration: This bill creates voluntary certification for persons installing or servicing oil and gas equipment. This bill, proposed by the oil and gas industry, is a continuation of Chapter 256, Laws of 1999 (SB 198) which initially created the voluntary certification, and which sunsetted in September 2002, prior to the final acceptance of rules. The passage of this bill will lift the sunset and allow the implementation of the rules adopted under Chapter 256, 1999. In addition, the amendment clarifies types of appliances included and adds natural gas systems as part of the certification program. Vote 17-1.

**Amendment (1622h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to voluntary certification of persons installing or servicing propane gas, natural gas, or heating oil equipment.

Amend RSA 153:16-b, I - III as inserted by section 1 of the bill by replacing it with the following:

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and commercial heating equipment systems, domestic water heating systems, or appliances using heating oil, liquefied petroleum gas (propane) or natural gas.

(b) Individuals involved in the servicing and repair of heating equipment, domestic water heating systems, or appliances using heating oil, liquefied petroleum gas or natural gas.

(c) Individuals involved in the installation of gas piping for heating systems, domestic water heating systems, or appliances using natural gas or liquefied petroleum gas.

(d) Individuals involved in the installation of hearth systems using liquefied petroleum gas or natural gas.

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers, heating equipment service personnel, gas piping installers, and hearth system installers.

III. The commissioner of the department of safety shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d.

Amend RSA 153:16-c, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Two representatives of the oil heat industry, one recommended by the Oil Heat Council of New Hampshire, and one recommended by the New Hampshire chapter of the National Association of Oil Heating Service Managers.

Amend RSA 153:16-c, III as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) One person experienced in the training and education of hearth system installers, recommended by the Northeast Hearth, Patio and Barbecue Association.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill clarifies outdated language in the "allied health care professionals" statutes. Additionally, it eliminates any confusion with regard to the authority of the various certifying boards. Vote 17-0.

#### **Amendment (1619h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals; relative to the board of podiatry; and relative to possession of prescription medication by licensed nurses.

Amend RSA 326-C:5, I(c) and (d) as inserted by section 1 of the bill by replacing them with the following:

(c) Successfully complete an academic program in occupational therapy accredited by the American Council for Occupational Therapy Education (ACOTE) or its successor organization or be certified by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.

(d) Successfully complete a period, as specified in paragraph II, of supervised field work experience approved by the educational institution where the applicant met his or her academic requirements, or be certified by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.

Amend RSA 326-E:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "National Board for Respiratory Care, Inc." or "NBRC" means the national voluntary health certifying board that evaluates the professional competence of respiratory therapists and pulmonary function technicians, or its successor organization.

Amend RSA 326-E:1, VII and VIII as inserted by section 2 of the bill by replacing them with the following:

VII. "Physician assistant" means a person licensed to practice as a physician assistant pursuant to RSA 328-D.

VIII. "Registered polysomnographic technologist" or "RPSGT" means a person having successfully completed and achieved a passing score on the comprehensive registry examination for polysomnographic technologists administered by the Board of Registered Polysomnographic Technologists or its successor organization.

Amend RSA 326-E:1, X as inserted by section 2 of the bill by replacing it with the following:

X. "Respiratory care" means the treatment, management, diagnostic testing and evaluation of responses to respiratory or medical treatment and care of individuals or groups of individuals either having deficiencies or abnormalities of the cardiopulmonary system or requiring support of the cardiopulmonary system. Respiratory care is given in accordance with the prescription of a physician, nurse practitioner or physician assistant. Respiratory care includes the implementation of respiratory care strategies and modalities, and the administration of pharmacological, diagnostic, and therapeutic agents necessary to implement a treatment, disease or injury prevention, rehabilitative or diagnostic regimen. Respiratory care includes, but is not limited to: initiating emergency procedures; providing health counseling and teaching; assembly, repair, testing and maintenance of respiratory equipment; and those respiratory care activities that require a substantial amount of scientific knowledge or technical skill.

Amend RSA 326-E:6, I(i) as inserted by section 2 of the bill by replacing it with the following:

(i) A polysomnography trainee from fulfilling the training and experiential clinical requirements established by the Board of Polysomnographic Technologists for eligibility for the RPSGT examination, while working under the indirect supervision of a physician, a respiratory care practitioner, or a RPSGT.

Amend RSA 326-E:7, IV(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Confidential communications between licensees and their patients are placed on the same legal basis as those between physician and patient, and, except as otherwise provided by law, no licensee shall be required to disclose such privileged communications. Confidential communications



between a patient of a licensee and any person working under the supervision of such licensee to provide services that are customary and necessary for diagnosis and treatment are privileged to the same extent as would be the same communications between the supervising licensee and the patient. Amend the introductory paragraph of RSA 326-E:8, I as inserted by section 2 of the bill by replacing it with the following:

I. The respiratory care practitioner is responsible for managing all aspects of the respiratory care of each patient under the orders of a physician, physician assistant, or nurse practitioner. The respiratory care practitioner shall provide:

Amend RSA 326-E:9 as inserted by section 2 of the bill by replacing it with the following:

326-E:9 Materiel Management. The assembly, delivery, maintenance, repair, and testing of respiratory care equipment and supplies shall be performed by respiratory care practitioners and other personnel in conformity with rules adopted by the board under RSA 541-A.

Amend RSA 326-E:11, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Programs approved by the American Association for Respiratory Care, or its successor organization.

Amend RSA 326-F:3, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Either hold a currently valid certificate of clinical competence issued by the American Speech-Language-Hearing Association, or its successor organization, or meet the requirements of paragraph II.

Amend RSA 326-G:2, I as inserted by section 4 of the bill by replacing it with the following:

I. Self-care by a patient, first aid by a coach, or gratuitous care by a friend or family member who does not represent himself or herself as an athletic trainer.

Amend RSA 326-G:2, III as inserted by section 4 of the bill by replacing it with the following:

III. The activities of athletic trainers not residents of this state, when called to perform athletic training services during a temporary visit in this state, provided such athletic trainers are currently licensed, certified or registered in any state or Canada, or are currently certified by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 326-G:4, III as inserted by section 4 of the bill by replacing it with the following:

III. Have a currently valid certificate issued by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 326-G:6, I as inserted by section 4 of the bill by replacing it with the following:

I. Hold a currently valid certificate issued by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 328-A:7, IV(b) as inserted by section 20 of the bill by replacing it with the following:

*(b) The applicant has submitted, and the board has approved, a plan for completion of additional clinical training or coursework or both.*

Amend RSA 328-A:12, II as inserted by section 27 of the bill by replacing it with the following:

II. It is unlawful for any person who is not licensed as a physical therapist assistant under this chapter to assist in selected components of physical therapy intervention requiring the knowledge and skill ~~[or]~~ of a physical therapist assistant. A person *licensed as a physical therapist assistant* who engages in an activity requiring a license ~~[pursuant to this chapter]~~ *as a physical therapist* or uses any ~~[work]~~ title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10, *I or II* is guilty of a misdemeanor.

Amend the bill by replacing section 42 with the following:

42 Allied Health Professionals; Records. Amend RSA 328-F:10 to read as follows:

328-F:10 Records of Licensees and Disciplinary History.

I. Each governing board shall maintain a ~~[current]~~ list of living or deceased persons who have ever been licensed to practice ~~[under this chapter]~~. The list shall show the licensee's last known place of employment, last known place of residence, ~~[and the date and]~~ *the number of the license, and the most recent date of issuance, renewal, or reinstatement. No information on the list shall be transferred to another entity for commercial use without the permission of the person to whom the information applies.*

II. Each governing board shall maintain a ~~[current]~~ list of persons against whom the board has taken any disciplinary ~~[actions]~~ *action*. This list shall include the ~~[names, type and cause of action, date and penalty incurred, and the length of penalty. This list shall be available for public inspection during regular business hours. This list shall be supplied to similar boards in other states upon request]~~ *name of the person, the reason for the disciplinary action, the date of the disciplinary action, and the nature of the disciplinary action.*

Amend RSA 328-F:21, I as inserted by section 52 of the bill by replacing it with the following:

*I. Licensees shall maintain their current business and home [address] **addresses** on file with [the applicable board] **their governing boards**. Any changes in address shall be provided to the office no later than 30 days from the date of the change.*

Amend RSA 328-F:23, IV(e) as inserted by section 53 of the bill by replacing it with the following:

*(e) A requirement that the licensee's practice be supervised for a specified period of time by a licensee practicing the same allied health profession.*

Amend section 56 of the bill by replacing the section heading with the following:

**56 Allied Health Professionals; Temporary Suspension.**

Amend the bill by inserting after section 63 the following and renumbering the original sections 64 - 65 to read as 65 - 66, respectively:

**64 Possessing Prescription Drugs.** Amend RSA 318:42, XI to read as follows:

*XI. A [~~licensed registered~~] nurse **licensed under RSA 326-B** who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2, and [~~who is licensed by the board of nursing as a registered nurse~~] **is acting in the course of his or her employment**, from possessing [~~in the course of employment~~] such noncontrolled prescription drugs as are approved by the board of nursing and agreed upon jointly by the board of registration in medicine and the pharmacy board [~~and, in the course of such employment~~], from administering such preapproved noncontrolled prescription drugs according to written protocols approved annually by such employer's professional advisory committee which includes a physician licensed by the board of registration in medicine.*

### AMENDED ANALYSIS

This bill makes various changes to allied health care professionals statutes.

This bill also permits any licensed nurse to possess noncontrolled prescription drugs.

### **SB 97, limiting the liability of firefighters working for certain private firefighting units. INEXPEDIENT TO LEGISLATE**

Rep. Janet G. Wall for Judiciary: The sponsor of this bill brought it forward with good intent because the Candia Fire Department believed it was being held to a different standard than other fire departments in the state. The bill became a catalyst for bringing together the selectmen from the town of Candia and their fire department to discuss and attempt to resolve longtime misunderstandings. The selectmen did not want this bill. A 1994 contract between the town and the fire department was discovered in records; said contract binding the town to expend funds for fire equipment and other expenses. The fire department was purchasing separate liability insurance because it didn't consider itself a municipal fire department. Now the town and fire department, together with attorneys and the state fire marshal, are working on an agreement verifying that the fire department is a municipal fire department with all the rights and protections under current laws as other municipal volunteer fire departments. Vote 18-0.

### **SB 154, relative to landlord access to rental properties. OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill broadens a landlord's ability to enter a rental property (with reasonable notice) from merely in emergency situations to situations where it is necessary "to perform other reasonable and lawful functions commonly associated with the ownership of rental property." If a landlord and tenant cannot agree that a landlord's request for entry is a reasonable and lawful function, they can petition a district court for a ruling. If such a petition is brought in good faith, no costs or attorney's fees shall be awarded. Vote 15-0.

### **Amendment (1338h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

**2 Landlord and Tenants; Remedies.** Amend RSA 540-A:4, IX to read as follows:

*IX. (a) Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10, including costs and reasonable attorney's fees incurred in the proceedings. Each day that a violation continues shall constitute a separate violation.*

*(b) The provisions of subparagraph (a) shall not apply to petitions brought in good faith by a landlord or a tenant to determine whether a request for entry under RSA 540-A:3, V is reasonable and lawful.*

## AMENDED ANALYSIS

This bill grants a landlord access to rental property to make repairs and for any other reasonable and lawful purpose.

This bill also allows the court to determine whether requests for entry are reasonable and lawful without subjecting the defendant to costs and attorneys fees.

**SB 168**, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill amends the Right-to-Know Law, RSA 91-A:3, II (exemptions for going into non-public sessions) and III (records of non-public sessions). Personal school records are already exempted by RSA 91-A:5, III and the committee does not believe there is a conflict between RSA 91-A and 20 United States Code section 1232g. Vote 13-0.

**SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth H. Gould for Municipal and County Government: The need to find ways to encourage economic development throughout the state, especially in the communities that are experiencing little or no economic growth, was the impetus for the creation of this bill. Currently, there are state and federal programs available but not easily accessible to all communities. Therefore the study committee will look at any funding or possible incentive options to encourage economic growth and what programs are currently functioning. The bill increases the boundaries of the Black Brook Corporate Tax Increment Financing District in Keene because the boundaries need to increase before the five-year limitation is reached, as stated in RSA 162-K:5. The amendment changes the quorum needed to hold a meeting from six to three members of the committee. Vote 12-0.

**Amendment (1734h)**

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

**SB 157**, establishing a committee to study the vesting of development rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Gillick for Municipal and County Government: The need to study the vesting of development rights came about as a result of two recent court cases. A developer claimed vested rights after 20 years. The court agreed with the developer in this case and a similar case. It has previously been the practice that four (4) years was the limit on vested rights and those rights should be established by the legislature. The amendment adds to the study the subject matter of simultaneous use of growth management ordinances and impact fees (RSA 674:21,V), and the subject matter of the planning board's authority to require off-site improvements in light of two New Hampshire Supreme Court cases. The committee has concerns that there is a great deal of confusion about the difference and definition of "off-site improvements" and "impact fees." The overall goal of the study committee will be to have the legislature clarify the statutes that deal with vested rights, growth management ordinances, impact fees and off-site improvements. Vote 11-0.

**Amendment (1627h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study certain issues relative to municipal planning.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the vesting of development rights and the planning board's authority to require off-site improvements.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the vesting of development rights in light of the recent New Hampshire supreme court decisions in *AWL Power, Inc. v. City of Rochester*, issued December 9, 2002, and *Monahan-Fortin Properties, LLC v. Town of Hudson*, issued December 24, 2002, regarding the simultaneous use of growth management ordinances and impact fees under RSA 674:21, V(h). The

committee shall also study the planning board's authority to require off-site improvements in light of the New Hampshire supreme court decision in *Simonsen v. Derry* issued November 15, 2000.

### AMENDED ANALYSIS

This bill establishes a committee to study the vesting of development rights and the planning board's authority to require off-site improvements.

**SB 64-FN**, relative to updating the drought management plan. **INEXPEDIENT TO LEGISLATE** Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would require the Office of State Planning (OSP) and the Department of Environmental Services (DES) to jointly update the state drought management plan. The last update was in 1990 and a new update is greatly needed. The majority of the committee felt that it is an existing duty of DES to update the plan as part of its ongoing activities and that legislation is not required to direct them to do their job. Therefore, this bill is not necessary. Vote 13-2.

**SB 162**, establishing a committee to study water resources. **OUGHT TO PASS WITH AMENDMENT** Rep. D. L. Chris Christensen for Resources, Recreation and Development: Extended testimony was heard in favor of the need for long term policy on water uses. While there are short term needs for monitoring specific issues, such as large groundwater withdrawals, this bill is aimed at a more global approach with a threshold that might be out several years into the future. Thus, there would be recognition of the relationships between ground water and surface water as well as potential opportunities for forthcoming technologies in desalinization and reuse of wastewater. Many study bills were reviewed by the committee this year and were rejected in favor of a more all-encompassing approach as presented by SB 162. The amendment modifies the committee to make it a statutory committee with reports due annually in November. Language was added to the duties of the committee suggesting that the subject matter of rejected bills be included in this committee's report. Vote 14-0.

### Amendment (1594h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Committee to Study Water Resources. Amend RSA 481 by inserting after section 1-a the following new section:

481:1-b Water Resources Committee.

I. There is established a committee to study water resources in the state of New Hampshire.

II.(a) The members of the committee shall be as follows:

(1) Three members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study water resources in the state of New Hampshire. It shall also consider the use of desalinization and shall report on the future municipal water needs of New Hampshire.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1 of each year.

2 Effective Date. This act shall take effect upon its passage

### AMENDED ANALYSIS

This bill establishes a statutory committee to study water resources, desalinization and municipal water needs.

**SB 188-L**, establishing a commission to study improving the enforcement of traffic laws in high traffic areas. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The Governor has put forth Executive Order 2003-7 establishing a task force on motor vehicle fatalities consisting of a wider group of people than the Senate bill would have included. The committee felt that a governor's task force would be more effective than a study committee. Vote 14-0.

**REGULAR CALENDAR****SB 140-FN, establishing an optional renewal period for licenses to carry a pistol or revolver. IN-EXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Criminal Justice and Public Safety: The original intent of this bill was to change the term of the concealed carry license from 4 years to 5 years. Additionally, the applicant could request that the license expire on the same date as the individual's drivers license. Again, additionally, the \$10.00 fee would have to be prorated if the resulting term of license is less than 5 years. The process of clarifying this procedure led to changes that were not satisfactory and the bill was recommitted. An attempt to amend the bill in a simple fashion by merely changing the term of license from 4 years to 5 years failed in committee by a large margin. There was discussion about amending the current statute which would create a major change from the original bill. The committee therefor recommends that SB 140 be found inexpedient to legislate. Vote 17-1. Adopted.

**SB 116, establishing a committee to study methods to prevent or reduce the high school dropout rate. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire B. McHugh for the Majority of Education: The majority of the committee felt that any dropout rate is unacceptable and deserves another look since the last study bill. It is anticipated that a study committee will look at factors that contribute to a 20% dropout rate and develop recommendations to reduce the rate. Vote 16-1.

Rep. Michael A. Balboni for the Minority of Education: To create another legislative study committee to compile drop out information already compiled by the NH Department of Education (DOE) is ridiculous; a waste of taxpayer dollars. The DOE provided written testimony that no less than 11 separate programs and initiatives are supporting local school districts in dropout prevention and recovery efforts. To quote DOE testimony: "These supports offer technical assistance in the form of expertise, research and information on tested successful models and promising new practices, and resources for implementation." The DOE provided a spreadsheet listing the top 5 reasons students drop out and the associated DOE recommendations to "fix" the problem in local schools. The DOE also stated that just last year (2002) the Department collected "information about existing dropout prevention and dropout recovery programs." DOE went on to say, "This information will be compiled and reported in a separate document." Does the Legislature now need a study committee to ask DOE for a copy of the report? We also received a wealth of school dropout improvement documentation including a report from the National Conference of State Legislatures and the Educational Resources Information Center. This documentation included the reasons students drop out, how to identify students who are at risk for dropping out, programs that attempt to reduce dropout rates, and a list of legislation enacted by other states to reduce their dropout rates. We do not need another study. We know the reasons students drop out. The Department of Education is already working with local school districts to reduce dropout rates, and is compiling a report on the effectiveness of efforts to reduce the number of dropouts in our state.

On a division vote, 216 members having voted in the affirmative and 136 in the negative, the majority report was adopted.

Ordered to third reading.

**SB 87, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy J. Allen for Environment and Agriculture: This bill establishes a commission to study the setback requirements for spreading septage, biosolids, and short paper fibers. The commission includes representatives from the legislature, state agencies, academia, rivers management, agriculture, and the biosolids industry. The current setback of 250' has an exemption for "grandfathered" sites that is extended until July 1, 2005, giving the commission time to conduct its study and legislature time to act. Vote 11-0.

**Amendment (1596h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** changing the membership of the commission to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Membership. 2003, 43:10 is repealed and reenacted to read as follows:

43:10 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) One member of the rivers management advisory committee, appointed by such committee.

(d) Two local river management advisory committee members; one appointed by the Connecticut River Joint Commissions, Upper Merrimack River Local Advisory Committee, and the Pemigewasset River Local Advisory Committee, and one appointed by the remaining 11 local river management advisory committees.

(e) One conservation and recreation representative appointed by the New Hampshire Rivers Council, Sierra Club, New Hampshire Association of Conservation Commissions, and the Appalachian Mountain Club.

(f) One representative from the New Hampshire department of environmental services, rivers management and protection program, appointed by the commissioner of environmental services.

(g) One representative from the New Hampshire department of environmental services, residuals management program, appointed by the commissioner of environmental services.

(h) One representative from the New Hampshire department of agriculture, markets, and food, appointed by the commissioner of agriculture, markets, and food.

(i) One representative appointed by the university of New Hampshire cooperative extension.

(j) One agricultural representative appointed by the New Hampshire Farm Bureau Federation and the New Hampshire Association of Conservation Districts.

(k) One biosolids industry representative, appointed by the New England Biosolids and Residuals Association.

(l) One member of the Natural Resource Conservation Service, appointed by such organization.

(m) One representative appointed by the New Hampshire Municipal Association.

(n) One academic representative from the university of New Hampshire at Durham, with expertise in soils and/or water quality, appointed by the university.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

2 Quorum Removed. 2003, 43:12 is repealed and reenacted to read as follows:

43:12 Chairperson. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

3 Sludge, Biosolids, and Short Paper Fiber; Temporary Use. Amend 1998, 56:6 as amended by 2003, 43:14 to read as follows:

56:6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until July 1, [2003] 2005 to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill changes the membership of the commission to study setback requirements for septage, biosolids, and short paper fibers, and extends the temporary use of septage, biosolids, and short paper fiber by certain persons.

Adopted.

Report adopted and ordered to third reading.

**SB 136**, relative to liability for hazardous materials accidents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy J. Allen for Environment and Agriculture: The wording in existing RSA 154:8-A requires an actual discharge before a person can be found liable to reimburse hazardous materials cleanup expenses. This bill expands liability to cover threatened discharges, and the amendment provides coverage for reasonable and proportionate response by police, fire, and emergency equipment and personnel. Vote 12-0.

#### Amendment (1503h)

Amend the bill by replacing section 1 with the following:

1 Liability Concerning Hazardous Materials Accidents. Amend RSA 154:8-a, II-a(a) and (b) to read as follows:

II-a.(a) Any person whose act or omission caused the actual *or threatened* discharge of hazardous materials or toxic wastes which resulted in the *reasonable and proportionate* response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the cost of the equipment use or replacement of the equipment used, if damaged or expended, in containing the hazardous materials or toxic wastes.

(b) Any person whose act or omission caused the actual *or threatened* discharge of hazardous materials or toxic wastes which resulted in the *reasonable and proportionate* response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the personnel costs of police, fire, public safety, and municipal personnel, including mutual aid standby personnel, directly involved in the emergency response, except that costs for on-duty paid personnel who have responded to the emergency involving the discharge of hazardous materials during their assigned duty shift shall not be costs eligible for reimbursement.

Adopted.

Report adopted and ordered to third reading.

**SB 113**, changing the name of Plymouth state college to Plymouth state university. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Judson K. Dexter for the Majority of Executive Departments and Administration: This bill has wide bipartisan support. The committee amended the bill to clarify the procedure used by a college to change its name to a university by adopting the "Carnegie Classification of Institutions of Higher Education" national system. In the future this will require the postsecondary education commission to use the same guidelines and criteria for public and private institutions. The committee feels this name change will be beneficial for the students, the institution, the state and the North Country.. Vote 15-3.

Rep. Francis Sullivan for the Minority of Executive Departments and Administration: Some members of the minority feel that this bill is more than a name change. There is a concern that the makeup of the student body at the school will be altered significantly and the opportunity for certain New Hampshire students to gain a college education will be jeopardized.

#### Majority Amendment (1351h)

Amend the title of the bill by replacing it with the following:

**AN ACT** changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Postsecondary Education Commission; Responsibilities of the Commission. Amend RSA 188-D:8 V to read as follows:

V. Classify educational institutions which it has evaluated into categories indicating approval or accreditation, or both. The commission may accept accreditation by a recognized accrediting association in place of its own evaluation. *The commission shall accept designation by the Carnegie classification of institutions of higher education 2000 edition, or its successor classification system.*

#### AMENDED ANALYSIS

This bill changes the name of Plymouth state college to Plymouth state university, and requires the postsecondary education commission to accept designation by the Carnegie classification of institutions of higher education.

Majority amendment adopted.

Rep. Francis Sullivan spoke against.

Rep. O'Neil spoke in favor.

Rep. Francis Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 221 NAYS 149

### YEAS 221

#### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Thomas, John

Allen, Janet  
Flanders, Donald  
Pilliod, James  
Wendelboe, Fran

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Whalley, Michael

Clark, Charles  
Lawton, David  
Russell, David

#### CARROLL

Babson, David Jr  
Kenney, Bettie  
Patten, Betsey

Brown, Carolyn  
McConkey, Mark  
Philbrick, Donald

Derby, Mark  
Merrow, Harry  
Stevens, Stanley

Dickinson, Howard  
Mock, Henry

#### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Robertson, Timothy

Batchelder, Robert  
Fish, Douglas  
Pratt, Irene  
Royce, H Charles

Dexter, Judson  
Liebl, George  
Pratt, John  
Smith, Edwin

Eaton, Daniel  
Meador, David  
Richardson, Barbara

#### COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick  
Woodward, David

Richardson, Herbert

#### GRAFTON

Alger, John  
Densmore, Edward  
Gionet, Edmond  
Ingbretson, Paul  
Williams, Burton

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Maybeck, Margie

Barker, Robert  
Eaton, Stephanie  
Ham, Bonnie  
Sokol, Hilda

Cooney, Mary  
Gilman, G Michael  
Hammond, Lee  
Solomon, Peter

#### HILLSBOROUGH

Adams, Jarvis  
Batula, Peter  
Carter, Jeffrey  
Christiansen, Lars  
Drisko, Richard  
Gonzalez, Carlos  
Hall, Charles  
Irwin, Anne-Marie  
L'Heureux, Robert  
Malloy, Chris  
Milligan, Robert  
Ober, Russell III  
Reeves, Sandra  
Sullivan, Peter

Allan, Nelson  
Bergin, Peter  
Carter, Mark  
Coughlin, Pamela  
Emerton, Larry  
Goulet, Maurice  
Hansen, Ryan  
Jean, Claudette  
Lasky, Bette  
McRae, Karen  
Moran, Edward  
Pappas, Marc  
Scanlon, Michael  
Vaillancourt, Steve

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Fields, Dennis  
Graham, John  
Hopper, Gary  
Johnson, Lionel  
Lawrence, James  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Schulze, Joan  
Wheeler, James

Barry, J Gail  
Bruno, Pierre  
Christensen, D L Chris  
Dokmo, Cynthia  
Gargas, Carolyn  
Greenberg, Gary  
Hunter, Bruce  
Kopka, Angeline  
Lessard, Rudy  
Messier, Irene  
Movsesian, Lori  
Price, Pamela  
Stepanek, Stephen  
Wheeler, Robert

#### MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hager, Elizabeth

Clarke, Claire  
Field, William  
Kenison, Leon

Colcord, J D  
Foley, Albert  
Langer, Ray

DeJoie, John  
French, Barbara  
Leber, William



Maxfield, Roy  
Perkins, Randy  
Wallner, Mary Jane

McCormick, Tom  
Potter, Frances

Nutter, Edward  
Reed, Dennis

Owen, Derek  
Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
Casey, Kimberley  
Dalrymple, Janeen  
Doyle, Christopher  
Francoeur, Sheila  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Morris, Richard  
Priestley, Anne  
Scamman, Stella  
Varrell, Thomas  
Winchell, George

Bishop, Franklin  
Coes, Betsy  
Dearborn, Bruce  
Duffy, James  
Gilbert, Jeffrey  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Putnam, Ed II  
Smith, Donald  
Waterhouse, Kevin  
Zolla, William

Blanchard, MaryAnn  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Robertson, Carl  
Smith, Paul  
Welch, David

Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Roessner, Kurt  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Bemis, Alan  
Campbell, W Packy  
Hollinger, Jeffrey  
Musler, George  
Wall, Janet

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Newton, Clifford

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Rollo, Deanna

Callaghan, Frank  
Hofemann, Roland  
Knowles, William  
Twombly, James

### SULLIVAN

Burling, Peter

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 149

### BELKNAP

Boyce, Laurie

Dewhirst, Glenn

Laflam, Robert

### CARROLL

Hatch, Paul

### CHESHIRE

Dunn, James  
Slack, Pamela

Laurent, John  
Tilton, Anna

Manning, Joseph  
Webber, Amy

Parkhurst, Henry  
Weed, Charles

### COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

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Benn, Bernard  
Scovner, Nancy

Bleyler, Ruth  
Sorg, Gregory

Diamond, Estelle

Nordgren, Sharon

### HILLSBOROUGH

Allen, Timothy  
Baroody, Benjamin  
Buckley, Raymond  
Clayton, William  
Craig, James  
Furman, Christine  
Hagan, Barbara

Artz, Lawrence  
Beaton, William  
Buhlman, David  
Clemons, Jane  
Crane, Elenore Casey  
Gibson, John  
Haley, Robert

Balboni, Michael  
Bergeron, Jean-Guy  
Cail, Kenneth  
Cote, David  
Dionne, Kimberley  
Gorman, Mary  
Hallyburton, Margaret

Balcom, John  
Brassard, Paul  
Carlson, Donald  
Cote, Peter  
Elliott, Larry  
Goyette, Peter Jr  
Harrington, Paul

Hawkins, Ken  
 Infantine, William  
 Konys, Christine  
 Leach, Edward  
 McElroy, Henry Jr  
 Palangas, Eric  
 Rowe, Robert  
 Spiess, Paul  
 Tate, Joan

Haytayan, Harry Jr  
 Jasper, Shawn  
 Kudalis, Debra  
 Lefebvre, Roland  
 McHugh, Claire  
 Pappas, Christopher  
 Shaw, Barbara  
 Sullivan, Francis

Hinkle, Peyton  
 Katsantonis, Thomas  
 Kurk, Neal  
 Luebker, Bernard  
 Mooney, Maureen  
 Pilotte, Maurice  
 Slocum, Lee  
 Sweeney, Cynthia

Holden, Randolph  
 Kerns, J Edward  
 LaFlamme, Paul  
 McDonough-Wallace, Alice  
 O'Brien, Lori  
 Ross, Lawrence  
 Souza, Kathleen  
 Tahir, Saghir

### MERRIMACK

Bouchard, Candace  
 DeStefano, Stephen  
 Kennedy, Richard  
 Oliver, James  
 Soltani, Tony

Brueggemann, Donald  
 Gile, Mary  
 Lockwood, Priscilla  
 Osborne, Jessie

Currier, David  
 Hamm, Christine  
 MacKay, James  
 Ouellette, Robert

Davis, Frank  
 Jacobson, Alf  
 Marple, Richard  
 Seldin, Gloria

### ROCKINGHAM

Allen, Mary  
 Clark, Vivian  
 Flayhan, Mary Lou  
 McMahon, Charles  
 Quandt, Matthew  
 Splaine, James  
 Wiley, Robert

Bicknell, Elbert  
 Davidson, Robert  
 Hutchinson, Karen  
 Packard, Sherman  
 Rausch, James  
 Tufts, J Arthur

Cady, Harriet  
 Dumaine, Dudley  
 Itse, Daniel  
 Pantelakos, Laura  
 Ruffner, Walter  
 Vallone, Matthew

Carson, Sharon  
 Dupuis, Roland  
 McEachern, Paul  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Weare, E Albert

### STRAFFORD

Bickford, David  
 Harrington, Michael  
 Pelletier, Arthur  
 Spang, Judith

Cataldo, Sam  
 Heon, Richard  
 Rous, Emma  
 Taylor, Kathleen

Creteau, Irene  
 Kaen, Naida  
 Schmidt, Peter  
 Vachon, Dennis

Easson, Timothy  
 Miller, Joseph  
 Scott, David  
 Woods, Phyllis

### SULLIVAN

Cloutier, John  
 Franklin, Peter

Donovan, Thomas  
 Harris, Joseph

Ferland, Brenda  
 Harris, Sandra

Flint, Gordon Sr  
 Phinizy, James

and the majority report was adopted.  
 Ordered to third reading.

**SB 148-FN**, relative to the regulation of water treatment equipment installers by the plumber's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill was brought forward by the plumber's board and water treatment installers because of public health concerns related to improper installation of water treatment systems. The committee had documented evidence of over 100 cases of faulty installations, but because the profession is currently not regulated, the only recourse available to the homeowner who is harmed is through the courts. This can take years and cost the homeowner more money. Meanwhile, the installer can continue to operate because currently there is no licensing requirement. With this bill, the installer is licensed and, therefore, could be fined by the board or, in severe cases, put out of business by a revocation of the license. Additionally, there is a continuing education requirement to insure plumbing and water treatment equipment knowledge. Funding for this license is covered by fees under the 125% rule. Vote 10-8.

### Amendment (1604h)

Amend the section heading of section 6 of the bill to read as follows:

6 Licenses; Journeyman Plumbers. Amend RSA 329-A:9 to read as follows:

Amend RSA 329-A:10, IV as inserted by section 8 of the bill by replacing it with the following:

IV. A corporation, partnership, limited liability company, or other business entity that installs, maintains or repairs water treatment systems, provided the entity designates one employee licensed under this chapter who is responsible for the entity's compliance with this chapter and the rules

adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee licensed under this chapter, the entity shall not act as a water treatment technician until some other employee has obtained a license. Notwithstanding any other provision of this chapter, the board shall not require a fee for an entity that installs, maintains or repairs water treatment systems where the person licensed under this chapter is the sole owner of the entity.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 - 13 to read as 10 - 14, respectively:

9 Water Treatment Technician License; Renewal. Amend RSA 329-A:11 to read as follows:

329-A:11 Expiration and Renewal. Notwithstanding any outstanding license to the contrary, all licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed during the following month, retroactive to the first day of the month. The fee for renewal of all licenses issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee may renew his license by submitting the required fee plus \$10 before the last day of the second month following the month of his birth. Any application received thereafter shall be rejected, unless accompanied by proof of successful completion of the examination required under RSA 329-A:7. *A water treatment technician shall attend one seminar of at least 2 hours duration before his or her license is renewed*

Amend the bill by replacing section 12 with the following:

12 Transition. Notwithstanding RSA 329-A:9-a, no person shall be required to take an examination to obtain licensure as a water treatment technician under RSA 329-A if prior to January 1, 2005 such person files with the state board for the licensing and regulation of plumbers a statement sworn or affirmed before a notary or other person authorized to administer oaths that he or she has been engaged in the installation, maintenance, or repair of water treatment systems. Any person who files such a statement with the state board for the licensing and regulation of plumbers shall be deemed qualified to be licensed as a water treatment technician unless, after a public hearing, the board finds the person's knowledge and understanding of, and experience with the configuration and installation of water treatment systems are questionable enough to require examination as required under RSA 329-A:9-a. Such person shall be entitled to retain his or her license as a water treatment technician unless and until he or she fails to achieve a passing score on the examination for water treatment technicians. Notwithstanding RSA 329-A, no fee shall be charged nor shall continuing education be required for the annual renewal of the license granted to a water treatment system technician if under RSA 329-A:11 such license expires on or before September 30, 2004.

Amendment adopted.

Rep. Harrington spoke against.

Rep. Dexter spoke in favor and yielded to questions.

On a division vote, 155 members having voted in the affirmative and 209 in the negative, the committee report failed.

Rep. Harrington moved Inexpedient to Legislate.

Adopted.

### **SB 83, relative to paralegals and legal assistants. INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would allow a "paralegal or legal assistant" to practice in courts and administrative hearings either under the direct supervision of an attorney who appears with the paralegal or alone, providing that the supervising attorney provides an affidavit verifying that the person is qualified to appear without the attorney. The paralegal could appear in any case other than a criminal matter or a civil commitment. While many on the committee felt that the intention of the bill is good, the majority felt that the bill needs much revision, which should be done by the bill's proponents to be resubmitted in a future session. For example, there are no statutory definitions of a "paralegal" or a "legal assistant." Further, there are no statutory requirements to become a paralegal and court rules (Rule 35) declare a legal assistant as anyone who works in a lawyer's office. Vote 9-4.

Adopted.

### **PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Soltani requested that his protest be entered on the Journal.

This bill was an attempt to break the stranglehold of the New Hampshire Bar Association on the New Hampshire courts and judicial system. Its defeat by the House is yet another blow to the people of the state and preserves the monopoly currently granted to the Bar. Access to the courts would have been granted to the ordinary citizen under this bill and it should have been passed.

### REGULAR CALENDAR (CONT'D)

**SB 119**, relative to medical and hospital liability insurance. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Bette R. Lasky for Judiciary: The intent of this bill as amended is to overrule the *Lord v. Lovett*, 146 N. H. 232, NH Supreme Court decision of April 4, 2001. This decision broadened the opportunity to recover damages in medical injury cases through the recognition of the so-called loss of opportunity doctrine by incorrectly applying the burden of proof requirements in the existing medical malpractice statute, 507-E:21. As amended, this bill overrules the decision in *Lord v. Lovett* and eliminates the "Loss of Opportunity" doctrine, while preserving a medical liability plaintiff's right to claim damages for aggravation of an underlying condition on the same legal basis as before *Lord v. Lovett* was decided. The bill also preserves the patient's rights to recover damages for new harm proximately caused by medical negligence, regardless of the patient's underlying condition, based on the reasoning in an Ohio court decision, *McMullen v. Ohio State University Hospitals*, 88 Ohio St. 3d 332 (2000). The amendment is intended to simplify and clarify the text of the original senate bill. The committee believes the passage of this bill is an important step toward holding down the escalating costs of medical malpractice insurance. Vote 18-1.

#### Amendment (1722h)

Amend the bill by replacing sections 1 and 2 with the following:

I Purpose. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This act reaffirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury, by codifying the law applicable to recovery of damages for medical injury in RSA 507-E. The decision of the court in *Belinda Joyce Lord v. James Lovett, M. D.*, decided April 4, 2001, departed from that intent by broadening the opportunity to recover damages in medical injury cases through recognition of the so-called "loss of opportunity" doctrine. This act is intended to overrule that decision, as well as to restate the legislative policy that this judicial broadening of the opportunity to recover damages in medical injury cases is contrary to the intent of the general court in enacting RSA 507-E.

2 New Paragraph; Burden of Proof in Medical Injury Cases. Amend RSA 507-E:2 by inserting after paragraph II the following new paragraph:

III. The requirements of this section are not satisfied by evidence of loss of opportunity for a substantially better outcome. However, this paragraph shall not bar claims based on evidence that negligent conduct by the defendant medical provider or providers proximately caused the ultimate harm, regardless of the chance of survival or recovery from the underlying condition.

Adopted.

Rep. Mock offered a floor amendment (1863h) and spoke in favor.

#### Floor Amendment (1863h)

Amend the bill by replacing sections 1 and 2 with the following:

I Purpose. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This act reaffirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury, by codifying the law applicable to recovery of damages for medical injury in RSA 507-E. The decision of the court in *Belinda Joyce Lord v. James Lovett, M. D.*, decided April 4, 2001, departed from that intent by broadening the opportunity to recover damages in medical injury cases through recognition of the so-called "loss of opportunity" doctrine. This act is intended to overrule that decision, as well as to restate the legislative policy that this judicial broadening of the opportunity to recover damages in medical injury cases is contrary to the intent of the general court in enacting RSA 507-E.

2 New Paragraph; Burden of Proof in Medical Injury Cases. Amend RSA 507-E:2 by inserting after paragraph II the following new paragraph:

III. The requirements of this section are not satisfied by evidence of loss of opportunity for a substantially better outcome. However, this paragraph shall not bar claims based on evidence that negligent conduct by the defendant medical provider or providers proximately caused the ultimate harm, regardless of the chance of survival or recovery from an underlying condition.

Floor amendment (1863h) adopted.

Report adopted and ordered to third reading.

**SB 226-L, increasing the homestead exemption. OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill raises the homestead exemption from \$50,000 to \$100,000 for every person in his or her homestead. This is a pro-consumer measure that protects equity in homesteads that may exist over and above perfected mortgages and other liens from creditors. This bill will particularly benefit the elderly whose largest asset may be their home equity and who are often sought out by predator creditors. Finally, as property values increase, the committee felt that the exemption should be higher as they are in many other states including Vermont and Massachusetts. Vote 14-3.

Adopted and ordered to third reading.

**SB 193, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles. OUGHT TO PASS**

Rep. Anna Z. Tilton for Legislative Administration: Those persons testifying before the committee were unanimous in their support for extending these deadlines. The committee felt it was appropriate to honor their requests, because of the importance of each of these committees. Vote 13-0.

Adopted and ordered to third reading.

**SB 169, relative to frivolous actions against the state concerning state construction projects. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William E. Leber for the Majority of Public Works and Highways: This bill would allow a prevailing party to recover certain costs, attorney's fees and damages when the court determines that a law suit pertaining to a state construction project was frivolous or intended to harass or intimidate the prevailing party. The 10-Year Highway Plan process takes two years to complete starting in odd numbered years. Public input is encouraged very often through the process. Local government is the beginning of the process and from there the planning process moves to the regional planning boards. Next, the Governor and Council have a part in refining the plan to be sent to the legislature. With legislation in the even year, the 10-Year Highway Plan is complete. All of the projects then get to serious planning while in the possession of the Department of Transportation. Hearings are held at various places near the proposed construction sites during this phase. At this point the planning and engineering become a workable document requiring permits at a considerable cost. It is after the permits are obtained that this legislation is implemented. The majority of the committee felt that this step should be added to avoid construction delays jeopardizing the safety of anyone using our highways in need of upgrading. The committee felt that with public input all along it is necessary to have an end. The committee wants to allow all parties to continue progressive actions involved in projects. A great deal of testimony was received in respect to frivolous lawsuits and their associated impacts. This is limited to state construction projects, and is very narrow in scope. Current statutes address frivolous actions in a very broad way. The majority of the committee felt that this approach limiting the scope to only state construction projects would be best. Vote 11-7.

Rep. Bernard L. Benn for the Minority Public Works and Highways: The minority asks you to vote against the majority amendment and for the minority amendment. Commissioner Murray of the Department of Transportation neither supports nor opposes this bill, but offered testimony that indicates frivolous lawsuits have not been the principle reason for delays in state construction projects. It is the minority's opinion that this bill will do nothing to improve the approval process or shorten the timeframe of those projects. Existing statutes on frivolous lawsuits have served the public well for many years. The minority supports adjusting the potential penalty in the current statute to an appropriate but not punitive level. This bill, as amended, exposes potential litigants to

penalties that could bankrupt the largest not-for-profit organization as well as almost any individual or small business. The effect of this bill will be to intimidate those that may have legitimate concerns, including municipalities, in order to keep them from challenging the state. The minority also believes that the bill may be in violation of Part 1, Article 14 of the New Hampshire Constitution as well as the 5th and 14th amendments of the United States Constitution. Recently, the DOT has made a determined and laudable public relations effort to represent itself as a "softer and gentler" agency. This bill will be detrimental to that effort.

### Majority Amendment (1485h)

Amend RSA 507:15-a, 1 as inserted by section 2 of the bill by replacing it with the following:

I. If, upon the hearing of any action against the state pertaining to a state construction project, which has commenced after the necessary state and federal approvals for construction have been issued, it appears to the court that the action is frivolous or intended to otherwise harass or intimidate the prevailing party, then the court, upon motion of a prevailing party or on its own motion, may order summary judgment or other relief against the party who brought such action, and award the amount of costs and attorneys' fees incurred by the prevailing party. Costs may include, up to 10 percent of the total construction cost estimate for the project, determined as of the date the final pre-construction permit is obtained.

### AMENDED ANALYSIS

In a suit brought concerning a state construction project, this bill allows the prevailing party to recover costs, attorneys' fees and damages that may include up to 10 percent of the construction costs of the project.

Rep. Benn spoke against and yielded to questions.

Rep. Leach spoke against.

Rep. Kenison spoke in favor and yielded to questions.

Rep. Royce requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

### YEAS 147 NAYS 217

#### YEAS 147

##### BELKNAP

Allen, Janet	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Flanders, Donald	Holbrook, Robert	Lawton, David	Neddeau, Stephen
Russell, David	Thomas, John	Whalley, Michael	

##### CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	McConkey, Mark
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

##### CHESHIRE

Dexter, Judson	Laurent, John	Liebl, George	Royce, H Charles
Smith, Edwin			

##### COOS

King, Frederick	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

##### GRAFTON

Alger, John	Barker, Robert	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Sorg, Gregory			

##### HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaton, William	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carter, Jeffrey	Carter, Mark	Chabot, Robert	Coughlin, Pamela
Desmarais, Vivian	Dionne, Kimberley	Elliott, Larry	Emerton, Larry
Gargas, Carolyn	Gonzalez, Carlos	Goulet, Maurice	Graham, John

Hagan, Barbara  
Hunter, Bruce  
Lessard, Rudy  
Moran, Edward  
Pepino, Leo  
Tahir, Saghir

Hansen, Ryan  
Infantine, William  
McRae, Karen  
Mosher, William  
Price, Pamela  
Tate, Joan

Hawkins, Ken  
Kurk, Neal  
Mercer, Robert  
O'Brien, Lori  
Reeves, Sandra  
Wheeler, Robert

Haytayan, Harry Jr  
Lawrence, James  
Milligan, Robert  
Pappas, Marc  
Stepanek, Stephen

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Anderson, Eric  
Kenison, Leon  
Maxfield, Roy

Currier, David  
Langer, Ray  
Ouellette, Robert

Dunne, Christopher  
Leber, William

Field, William  
MacKay, James

### ROCKINGHAM

Bicknell, Elbert  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Rausch, James  
Varrell, Thomas  
Wiley, Robert

Cady, Harriet  
Dearborn, Bruce  
Dupuis, Roland  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Waterhouse, Kevin

Camm, Kevin  
Dodge, Robert  
Fesh, Bob  
Gilbert, Karl  
Holland, James Jr  
Johnson, Rogers  
Langone, John  
Morris, Richard  
Priestley, Anne  
Scamman, Stella  
Welch, David

Carson, Sharon  
Doyle, Christopher  
Flanders, John Sr  
Gillick, Thomas  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
Noyes, Richard  
Putnam, Ed II  
Stone, Joseph  
Weyler, Kenneth

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Berube, Roger  
Newton, Clifford

Bickford, David  
Scott, David

Campbell, W Packy  
Woods, Phyllis

Easson, Timothy

### SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 217

### BELKNAP

Ahern, Omer Jr  
Rice, Thomas

Boyce, Laurie  
Wendelboe, Fran

Dewhirst, Glenn

Pilliod, James

### CARROLL

Derby, Mark

Hatch, Paul

Kenney, Bettie

Morrow, Harry

### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Batchelder, Robert  
Fish, Douglas  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Dunn, James  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Eaton, Daniel  
Meader, David  
Pratt, John  
Tilton, Anna

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Mears, Edgar

Poulin, Richard

Theberge, Robert

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Densmore, Edward  
Ingbertson, Paul  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon  
Williams, Burton

Bleyler, Ruth  
Ham, Bonnie  
Scovner, Nancy

Cooney, Mary  
Hammond, Lee  
Sokol, Hilda

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Adams, Jarvis  
Balcom, John

Allan, Nelson  
Baroody, Benjamin

Allen, Timothy  
Bergeron, Jean-Guy

Artz, Lawrence  
Bergin, Peter

Brassard, Paul  
 Christensen, D L Chris  
 Cote, David  
 Dokmo, Cynthia  
 Gorman, Mary  
 Hall, Charles  
 Holden, Randolph  
 Jean, Claudette  
 Kopka, Angeline  
 Lasky, Bette  
 Malloy, Chris  
 Messier, Irene  
 Palangas, Eric  
 Rowe, Robert  
 Slocum, Lee  
 Sullivan, Peter

Brundige, Robert  
 Christiansen, Lars  
 Cote, Peter  
 Drisko, Richard  
 Goyette, Peter Jr  
 Hallyburton, Margaret  
 Hopper, Gary  
 Johnson, Lionel  
 Kudalis, Debra  
 Leach, Edward  
 McDonough-Wallace, Alice  
 Mooney, Maureen  
 Pappas, Christopher  
 Scanlon, Michael  
 Souza, Kathleen  
 Sweeney, Cynthia

Buckley, Raymond  
 Clayton, William  
 Craig, James  
 Furman, Christine  
 Greenberg, Gary  
 Harrington, Paul  
 Irwin, Anne-Marie  
 Katsiantonis, Thomas  
 L'Heureux, Robert  
 Lefebvre, Roland  
 McElroy, Henry Jr  
 Movsesian, Lori  
 Pilote, Maurice  
 Schulze, Joan  
 Spiess, Paul  
 Vaillancourt, Steve

Carlson, Donald  
 Clemons, Jane  
 Crane, Elenore Casey  
 Gibson, John  
 Haley, Robert  
 Hinkle, Peyton  
 Jasper, Shawn  
 Kony, Christine  
 LaFlamme, Paul  
 Luebker, Bernard  
 McHugh, Claire  
 Ober, Russell III  
 Ross, Lawrence  
 Shaw, Barbara  
 Sullivan, Francis  
 Wheeler, James

### MERRIMACK

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Jacobson, Alf  
 McCormick, Tom  
 Owen, Derek  
 Rush, Deanna

Brueggemann, Donald  
 DeJoie, John  
 Gile, Mary  
 Kennedy, Richard  
 Nutter, Edward  
 Perkins, Randy  
 Seldin, Gloria

Clarke, Claire  
 DeStefano, Stephen  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Oliver, James  
 Potter, Frances  
 Soltani, Tony

Colcord, J D  
 Foley, Albert  
 Hamm, Christine  
 Marple, Richard  
 Osborne, Jessie  
 Reed, Dennis  
 Wallner, Mary Jane

### ROCKINGHAM

Allen, Mary  
 Casey, Kimberley  
 Corbin, Corey  
 Flayhan, Mary Lou  
 Hughes, Daniel  
 Langley, Jane  
 Norelli, Terie  
 Robertson, Carl  
 Smith, Paul  
 Winchell, George

Belanger, Ronald  
 Clark, Vivian  
 Davidson, Robert  
 Gould, Kenneth  
 Hutchinson, Karen  
 McCann, Richard  
 Pantelakos, Laura  
 Ruffner, Walter  
 Tufts, J Arthur  
 Zolla, William

Bishop, Franklin  
 Coes, Betsy  
 DiFrancia, Anthony  
 Hamel, Albert  
 Itse, Daniel  
 McEachern, Paul  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Vallone, Matthew

Blanchard, MaryAnn  
 Cooney, Richard  
 Duffy, James  
 Headd, James  
 Kelley, Jane  
 McMahon, Charles  
 Quandt, Matthew  
 Smith, Donald  
 Weare, E Albert

### STRAFFORD

Bemis, Alan  
 Creteau, Irene  
 Heon, Richard  
 Kaen, Naida  
 Rollo, Deanna  
 Taylor, Kathleen

Brown, Julie  
 Dunlap, Patricia  
 Hofemann, Roland  
 Keans, Sandra  
 Rous, Emma  
 Twombly, James

Callaghan, Frank  
 Grassie, Anne  
 Hollinger, Jeffrey  
 Knowles, William  
 Schmidt, Peter  
 Vachon, Dennis

Cataldo, Sam  
 Harrington, Michael  
 Johnson, Nancy  
 Pelletier, Arthur  
 Spang, Judith  
 Wall, Janet

### SULLIVAN

Burling, Peter  
 Flint, Gordon Sr  
 Phinzy, James

Cloutier, John  
 Franklin, Peter

Donovan, Thomas  
 Harris, Joseph

Ferland, Brenda  
 Harris, Sandra

and the majority amendment failed.

Rep. Dudley voted Yea and intended to vote Nay.

The question now being Ought to Pass.

Rep. Soltani spoke against and yielded to questions.

Ought to Pass failed.

Rep. Soltani moved Inexpedient to Legislate.

Adopted.



**SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This legislation will establish a commission to study regional problems relating to wastewater disposal in the Great Bay estuary area. Among the duties of this commission will be to examine the feasibility of combining the wastewater discharge of multiple communities and ways to dispose of it with the least environmental impact. Regional cooperation among the communities will be explored as well as other potential partnerships to help fund the restoration of the Great Bay estuary habitat. The committee amendment adds the Executive Director of the New Hampshire Fish and Game Department or designee to the proposed commission. Vote 11-2.

#### **Amendment (1544h)**

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) The executive director of the fish and game department, or designee.

Adopted.

Report adopted and ordered to third reading.

**SB 155**, establishing a commission to study issues relative to water withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. D. L. Chris Christensen for the Majority of Resources, Recreation and Development: This bill establishes a study commission with members from a variety of interests to study groundwater uses and issues. There was no question in the committee or in testimony that groundwater withdrawals and related policy are important to the state. The committee was presented with several water study bills this year, each focusing on a portion of the problem of how to establish policy and monitor uses and needs. Several of these were recommended as inexpedient to legislate, with the intent of incorporating those in a more comprehensive format. In the amendment, related language was added (as in SB 162) to insure that the subject matter of those bills will be considered in the duties of the commission. Minor membership changes were made, adding a member from a regional planning commission and reducing the representation from the Association of General Contractors from two to one. Final recommended membership was 21 members. As evidenced by the vote, the committee emphatically believes that this bill should pass as amended. Vote 14-1.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority concurs that the General Court should act to establish a commission to study issues relative to groundwater withdrawals. Notwithstanding such agreement, the minority believes that to entertain the consideration of charging fees for groundwater withdrawals in the duties of the commission is to fly in the face of our "Live Free or Die" motto and principles. We currently know that any fee for groundwater withdrawals could only be established upon speculative arm waving. Government's thirst for revenue, never being fully satisfied, will make frequent trips to tap any "well" created by such fee policy. This conclusion is supported by testimony that a committee studied this same issue about six years ago.

#### **Majority Amendment (1567h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to study issues relative to groundwater withdrawals.

Amend the bill by replacing section 1 with the following:

1 Commission Established. The general court recognizes that the waters of New Hampshire are a precious and invaluable resource upon which there is an ever increasing demand for existing, new, and competing uses. The general court further recognizes that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire. Therefore, there is hereby established a commission to study ways to clarify the hierarchy of water uses while considering existing private property rights, to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to improve the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state.

Amend the bill by replacing paragraph 1 of section 2 with the following:

- I. The members of the commission shall be as follows:
  - (a) Three members of the senate, appointed by the president of the senate.
  - (b) Three members of the house of representatives, appointed by the speaker of the house.
  - (c) A representative of public water supplier interests, nominated by the New Hampshire Water Works Association, and appointed by the governor.
  - (d) The commissioner of the department of environmental services, or designee.
  - (e) One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the governor.
  - (f) A representative of the International Bottled Water Association, nominated by the association, and appointed by the governor.
  - (g) Two members of the public, appointed by the governor.
  - (h) Two representatives of different business water users, nominated by the Business and Industry Association of New Hampshire, and appointed by the governor.
  - (i) A representative of municipal interests, nominated by the New Hampshire Municipal Association, and appointed by the governor.
  - (j) A representative of the Society for the Protection of New Hampshire Forests, nominated by the society, and appointed by the governor.
  - (k) A representative of the New Hampshire Farm Bureau, nominated by the bureau, and appointed by the governor.
  - (l) A representative of recreational interests, appointed by the governor.
  - (m) A representative of the joint board of professional engineers, architects, land surveyors, foresters, professional geologists, and natural scientists who shall be a hydrologist or geologist, appointed by the governor.
  - (n) A representative of the New Hampshire Association of Conservation Commissions, nominated by the association, and appointed by the governor.
  - (o) A representative of construction and mining activities, nominated by the Associated General Contractors of New Hampshire, and appointed by the governor.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study ways to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, energy, recreational, and other water users, and to improve the current process by which new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state with particular attention to groundwater. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, property rights as they relate to groundwater, possible fees on water withdrawals, and the protection of New Hampshire's aquifers. The commission may address other issues related to water.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2004.

#### AMENDED ANALYSIS

This bill establishes a commission to study issues relative to groundwater withdrawals.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

#### BILLS REMOVED FROM CONSENT CALENDAR

**SB 152**, relative to health insurance coverage for prosthetic devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. George J. Liebl for Commerce: This bill requires health insurance companies to cover "prosthetic devices," which means an artificial limb device to replace, in whole or part, an arm or leg, at the same terms and conditions that apply to other durable medical equipment covered under the

policy. However, an insurer shall not impose an annual or lifetime dollar maximum on coverage for prosthetic devices other than the annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable, medical equipment. Vote 14-0.

### Amendment (1551h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Group Insurance; Coverage for Certain Prosthetic Devices. Amend RSA 415 by inserting after section 18-m the following new section:

415:18-n Coverage for Certain Prosthetic Devices.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, except for supplemental policies covering a specified disease or other limited benefit, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for benefits for prosthetic devices under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

II. In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

III. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

IV. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

V. The provisions of this section shall apply to group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B.

2 New Section; Individual Insurance; Coverage for Certain Prosthetic Devices. Amend RSA 415 by inserting after section 6-i the following new section:

415:6-j Coverage for Certain Prosthetic Devices.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance who are residents of this state, coverage for the provision of benefits for prosthetic devices under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

II. In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

III. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

IV. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

3 Effective Date. This act shall take effect January 1, 2004.

### AMENDED ANALYSIS

This bill requires health insurance companies to cover prosthetic devices under generally the same terms and conditions that apply to other durable medical equipment. In this bill, a prosthetic device means an artificial device to replace an arm or a leg.

Adopted.

Rep. Harrington spoke against.

Rep. Liebl spoke in favor.

Report adopted and ordered to third reading.

**SB 229, making reference changes to the school building aid statutes. OUGHT TO PASS WITH AMENDMENT**

Rep. John Alger for Education: This bill changes an obsolete reference to the State Board of Education and replaces it with the Department of Education. An audit of DOE brought this to our attention. In addition, an amendment was added to allow the Conway School District to hold a special meeting for the purpose of considering a multiple town bond issue for a school construction prior to the 2004 annual school district meeting. Vote 18-0.

**Amendment (1614h)**

Amend the title of the bill by replacing it with the following:

AN ACT changing the responsibility for administering the school building aid program and authorizing the Conway school district to hold a special meeting.

Amend the bill by replacing all after section 1 with the following:

2 Conway School District; Special Meeting. Notwithstanding RSA 197:3, the Conway school district is authorized to hold a special meeting, prior to the 2004 annual school district meeting, for the specific purpose of considering a bond issue or other long-term borrowing for middle school and high school construction and renovation, and to take any other action consistent with this purpose.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill changes the responsibility for administering the school building aid program from the state board of education to the department of education.

The bill also authorizes the Conway school district to hold a special meeting prior to the 2004 annual school district meeting to consider a bond issue for middle school and high school construction and renovation.

Rep. Graham spoke against.

Reps. Alger and Dickinson spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 134, relative to the regulation of real estate brokers by the real estate commission. OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill, as amended, will increase the requirements to obtain a real estate salesperson license to include 40 hours of approved study. After licensure, all licensees will be required to obtain 12 hours of continuing education. The previous requirement was nine hours. In addition, the bill makes various other housekeeping changes to the real estate practice act. Vote 18-0.

**Amendment (1613h)**

Amend RSA 331-A:10, II(c)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (c)(1) or (c)(2);

Amend RSA 331-A:10, II(f) as inserted by section 2 of the bill by replacing it with the following:

(f) For a broker acting as a principal broker or a managing broker, but excluding associate brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the commission which shall be held in accordance with RSA 331-A:14.

Amend the bill by replacing section 5 with the following:

5 Advertising. Amend RSA 331-A:16, IV(b) to read as follows:

(b) ~~[With the exception of business cards,]~~ Any advertising which contains a home telephone number, cell-phone number, beeper or pager number, home fax number, or electronic mail address of an individual salesperson or associate broker, or a team of such licensees, shall also include the name and telephone number of the employing broker or brokerage firm through which the advertising licensees operate. All such advertising shall contain language identifying each number included in the advertising.

Amend the bill by replacing section 7 with the following:

7 Renewal of License. Amend RSA 331-A:19, I to read as follows:

I. The commission shall mail each licensee a renewal form *or, at the licensee's request, the commission may provide the renewal form by other means acceptable to the commission*, at least 60 days before expiration of the license.

Amend the bill by replacing all after section 10 with the following:

11 Display of License. Amend RSA 331-A:15, III to read as follows:

III. Licenses shall be issued in the form of a certificate for wall display and a card to be carried on the person. Each licensed broker shall prominently display at the *principal* place of business the broker's certificate and those of all licensed salespersons *and associate brokers* associated with or under contract to the broker.

12 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Rep. Campbell spoke against.

On a division vote, 248 members having voted in the affirmative and 101 in the negative, the report was adopted.

Ordered to third reading.

Reps. Barody, DeStefano, Daniel Eaton and Phinizy declared conflicts of interest and did not participate.

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill eliminates the exemption of interim rules from fiscal impact statement requirements and prohibits agencies from requiring, by rule, the submission of social security numbers. The amendment allows limited use of social security numbers in federal tax identification, health care data collection and reporting of communicable diseases. Vote 17-0.

#### Amendment (1712h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring fiscal impact statements for interim administrative rules, prohibiting agencies from requiring by rule the submission of social security numbers, and authorizing certain agencies to collect social security numbers.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 8:

3 New Section; Department of Revenue Administration; Federal Tax Identification. Amend RSA 21-J by inserting after section 27 the following new section:

21-J:27-a Federal Tax Identification. The commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

4 Health Care Data Collection; Social Security Numbers. Amend RSA 126:25, I(i) to read as follows:

(i) Any demographic or diagnostic information necessary for the administration of this subdivision, *including social security numbers*.

5 Chronic Disease Prevention, Assessment, and Control; Reporting; Social Security Numbers. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, *including social security numbers*, containing information regarding a cancer diagnosed or being treated.

6 Reporting of Communicable Disease; Social Security Number. Amend RSA 141-C:7, I to read as follows:

I. Upon becoming aware of any communicable disease or communicable disease syndrome listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease or communicable disease syndrome, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report to the commissioner the communicable disease or communicable disease syndrome and shall provide *social security numbers and* such additional information and periodic reports as required under RSA 141-C:9, I.

7 Critical Health Problems Reporting Act; Form; Social Security Numbers. Amend RSA 141-A:5, I to read as follows:

I. The report prescribed in RSA 141-A:4 shall be designated as a critical health problem report and shall contain *social security numbers* and information which the commissioner considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of the critical health problem, and other relevant data and findings with respect thereto.

### AMENDED ANALYSIS

This bill eliminates the exemption of interim rules from the fiscal impact statement requirements and prohibits agencies from requiring by rule the submission of social security numbers. This bill also authorizes the commissioner of the department of revenue administration to require the submission of a person's social security or other federal tax identification number and requires the submission of social security numbers to the department of health and human services on certain reports.  
Adopted.

Rep. Kurk offered a floor amendment(1868h).

### Floor Amendment (1868h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring fiscal impact statements for interim administrative rules, prohibiting agencies from requiring by rule the submission of social security numbers, and authorizing certain agencies to collect social security numbers.

Amend the bill by replacing sections 3-7 with the following:

3 New Section; Department of Revenue Administration; Federal Tax Identification. Amend RSA 21-J by inserting after section 27 the following new section:

21-J:27-a Federal Tax Identification. The commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

4 Health Care Data Collection; Social Security Numbers. Amend RSA 126:25, I(i) to read as follows:

(i) Any demographic or diagnostic information necessary for the administration of this subdivision, *including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily.*

5 Chronic Disease Prevention, Assessment, and Control; Reporting; Social Security Numbers. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, *including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily*, containing information regarding a cancer diagnosed or being treated.

6 Reporting of Communicable Disease; Social Security Number. Amend RSA 141-C:7, I to read as follows:

I. Upon becoming aware of any communicable disease or communicable disease syndrome listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease or communicable disease syndrome, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report to the commissioner the communicable disease or communicable disease syndrome and shall provide *social security numbers, if persons were given the option at the original point of collection to provide social security numbers voluntarily*, and such additional information and periodic reports as required under RSA 141-C:9, I.

7 Critical Health Problems Reporting Act; Form; Social Security Numbers. Amend RSA 141-A:5, I to read as follows:

I. The report prescribed in RSA 141-A:4 shall be designated as a critical health problem report and shall contain *social security numbers, if persons were given the option at the original point of collection to provide social security numbers voluntarily*, and information which the commissioner considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of the critical health problem, and other relevant data and findings with respect thereto.

## AMENDED ANALYSIS

This bill eliminates the exemption of interim rules from the fiscal impact statement requirements and prohibits agencies from requiring by rule the submission of social security numbers. This bill also authorizes the commissioner of the department of revenue administration to require the submission of a person's social security or other federal tax identification number and requires the submission of voluntarily-provided social security numbers to the department of health and human services on certain reports.

Rep. Goulet spoke against.

Rep. Kurk spoke in favor.

Floor amendment (1868h) adopted.

Report adopted and ordered to third reading.

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill, as amended, strengthens the requirement for municipalities to report the assessed inventory of property within their bounds by September 1st of each year and increases the penalty to \$100 per day for willful neglect or intentional disregard of that requirement. It clarifies the fact that all properties shall be assessed their value as of April 1st of every year and makes a gender neutral language adjustment. In addition, this bill establishes a 4-year moratorium on the proposed standards for the certification requirements that were to be placed upon municipalities. The committee feels that these standards may have an inequitable impact on municipalities within the state due to differences among municipalities in such characteristics as size, parcel count, number of sales and geographic location. The committee feels it is necessary to further analyze the assessing practices of the states' political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as goals for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these goals can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court Vote 11-0.

**Amendment (1750h)**

Amend the title of the bill by replacing it with the following

**AN ACT** relative to the local inventory of property values for assessment of property taxes, and relative to municipal property assessment certification goals of the department of revenue administration.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Revenue Administration; Equalization Procedure. Amend the introductory paragraph of RSA 21-J:9-a to read as follows:

The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII, *but shall not affect a municipality's requirements for inventory of property and assessment of taxes as of April 1:*

2 Inventory of Property; September 1 Deadline; Penalty Added. Amend RSA 21-J:34 to read as follows:

1. A report filed by the governing body of each city, town, *or* unincorporated [~~town, and un-~~~~organized~~] place, shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. This report shall be filed by September 1 of each year, unless this filing date is extended by the commissioner for just cause. *Municipalities which fail to timely file the report required by this paragraph due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions.*

3 Property Taxation; Annual List. Amend RSA 74:1 to read as follows:

74:1 Annual List. The selectmen of each town shall annually~~[in April]~~ make a list of all the polls and *shall* take an inventory of all the estate liable to be taxed in such town ~~[on the first day of that month]~~ *as of April 1*.

4 Gender Neutral; Property Tax Inventory List. Amend RSA 76:10 to read as follows:

76:10 Selectmen's Lists and Warrant. A list of all property taxes by them assessed shall be made by the selectmen under their hands, with a warrant under their hands and seal. The list shall be directed to the collector of such town, requiring ~~[him]~~ *the collector* to collect the same, and to pay to the town treasurer such sums and at such times as may be therein prescribed. The selectmen shall assess such taxes to the owner as of April 1, or to the current owner, if known. The selectmen of a town or the board of assessors of a city may round off to the nearest dollar the total tax due on each parcel appearing on the list.

5 Findings and Intent; Sections 6-15. The general court recognizes all the work in creating a set of proposed standards for the certification of assessments. There is reason for concern, however, that these standards may have an inequitable impact on municipalities within the state due to differences between municipalities in such characteristics as size, parcel count, number of sales, and geographic location. Therefore, the general court finds that in order for the state to continue to implement fair and equitable assessing practices, it is necessary to further analyze the assessing practices of the state's political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as goals for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these goals can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court.

6 Duties of Commissioner of Revenue Administration; Assessment; Equalization. Amend RSA 21-J:3, XXV and XXVI to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property, *for equalization purposes*, in a particular city, town, or unincorporated place is disproportional to the valuation, *for equalization purposes*, of ~~[other]~~ property ~~[within that city, town, or unincorporated place]~~ *in other cities, towns, or unincorporated places in the state, or whenever the municipality has not complied with RSA 75:8-a*.

XXVI. Review *and report* each municipality's assessments once within every 5 years ~~[and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in]~~ *pursuant to* RSA 21-J:11-a, *II*.

7 Assessment Certification Revised; Implementation of Assessment Goals. Amend RSA 21-J:11-a and RSA 21-J:11-b to read as follows:

21-J:11-a [Certification of Assessments] *Report of Assessment Certification Goal Achievement*.

I. The commissioner shall ~~[certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that]~~ *report the degree to which assessments of a municipality achieve substantial compliance with applicable statutes and rules. The commissioner may consider whether:*

(a) Level of assessments and uniformity of assessments are within ~~[acceptable]~~ *suggested* ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption~~[-]~~ *and* credit~~[-and abatement]~~ procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. ~~[If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:~~

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for



completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. *The commissioner shall issue a copy of the report upon its completion to the municipality and to the assessing standards board. When issued, the report shall be a public document.*

III. The assessing standards board shall study and recommend to the legislature whether municipalities should be reimbursed for expenses incurred as a result of changes in assessment practices resulting from legislation enacted in response to the judicial interpretation of part 2, article 6 of the New Hampshire constitution in Evelyn Sirrell et al v State of New Hampshire et al and, if reimbursement is appropriate, shall recommend a formula for implementation of a reimbursement program.

#### 21-J:11-b Implementation of [Certification] Assessment Goals.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial *assessment certification goal achievement* review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

#### 8 Duties of the Assessing Standards Board. Amend RSA 21-J:14-b, I(d) to read as follows:

(d) The establishment of [standards] *recommended goals* for monitoring of local assessment practices by the department of revenue administration, [standards] *recommended goals* for the adequacy of tax maps and other records, and [standards] *recommended goals* for audit by the department of revenue administration of municipalities.

#### 9 Assessing Standards Board; Goals. Amend RSA 21-J:14-b, II to read as follows:

II. All [standards] *goals* and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing [standards] *goals* and practices. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the board shall proceed to adopt any proposed rules.

#### 10 Setting of Tax Rates. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. Any [decision] *report* by the commissioner [~~not to certify the assessments~~] *relative to assessment certification goal achievement* of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.

#### 11 Property Taxation. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. Any [decision] *report* by the commissioner [~~not to certify the assessments~~] *relative to assessment certification goal achievement* of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.

#### 12 Assessment of Taxes. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 and RSA 21-J:9-c. Any [decision] *report* by the commissioner [~~not to certify the assessments~~] *relative to assessment certification goal achievement* of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.

13 Power of Tax Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. Any ~~decision~~ **report** by the commissioner ~~[not to certify the assessments]~~ **relative to assessment certification goal achievement** of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.

14 Revenue Administration; Initial Assessment Review Schedule. Amend 2001, 158:63 to read as follows:

158:63 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this section, of the property tax year for which their initial **assessment certification goal achievement** review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

15 Repeal. RSA 21-J:9-b, relative to petition for order of reassessment, is repealed.

16 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill clarifies the duty of local tax officials to assess and collect property taxes on property valued as of April 1.

This bill also requires the department of revenue administration to establish and report on municipal property tax assessment goals.

Rep. Almy spoke against.

Rep. Stohl spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### RESOLUTION

Rep. Giuda offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 5, 2003 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 42**, relative to charitable contributions by insurance agents.

**SB 164**, relative to the unauthorized use of a financial institution's name.

**SB 177**, relative to credit unions.

**SB 178**, relative to guaranty funds.

**SB 180**, making certain changes in the banking laws.

**SB 181**, relative to investigations by and license revocation appeals to the board of trust company incorporation.

**SB 184**, relative to reinsurance.

**SB 120**, relative to testimony by video teleconference in criminal cases.

**SB 130-FN-L**, relative to county departments of corrections.

**SB 149-FN**, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud.

**SB 133**, relative to amending the charter of Dartmouth college.

**SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry.

**SB 154**, relative to landlord access to rental properties.

- SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District.
- SB 157**, establishing a committee to study the vesting of development rights.
- SB 162**, establishing a committee to study water resources.
- SB 116**, establishing a committee to study methods to prevent or reduce the high school dropout rate.
- SB 87**, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.
- SB 136**, relative to liability for hazardous materials accidents.
- SB 113**, changing the name of Plymouth state college to Plymouth state university.
- SB 119**, relative to medical and hospital liability insurance.
- SB 226-L**, increasing the homestead exemption.
- SB 193**, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles.
- SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.
- SB 155**, establishing a commission to study issues relative to water withdrawals.
- SB 152**, relative to health insurance coverage for prosthetic devices.
- SB 229**, making reference changes to the school building aid statutes.
- SB 134**, relative to the regulation of real estate brokers by the real estate commission.
- SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.
- SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes.

### UNANIMOUS CONSENT

Reps. Wendelboe, Joseph Manning and Leber addressed the House.

Rep. Stone requested that the remarks of Rep. Joseph Manning and Leber be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

Rep. Joseph Manning: Thank you, Mr. Speaker. Well, he made us laugh and forget our troubles a long time ago when we were young and in harm's way and a long way from home. Today is his 100<sup>th</sup> birthday, so I want to say "Happy Birthday, Bob, thanks for the memories."

Rep. Leber: Thank you, Mr. Speaker. I want to ditto that. I hope this is not considered a frivolous request for Unanimous Consent. But, I did not want the day to go by without recognizing the 100<sup>th</sup> birthday of Bob Hope. I know that I was a boy on a farm during World War II and I saw my two brothers go off to the US Navy and to the war. On Movietone News we watched as Bob Hope entertained those people at the front and in the war, you see all those faces out there. My brothers didn't get to see Bob Hope, by the way. As I grew older and went into the Air Force during the Korean War, I used to see the movies of Bob Hope entertaining the troops on those frozen hills of Korea. I never got to Korea so I didn't get to see Bob Hope. During the Cold War, we flew him around from McGuire on C-18s to various places in Europe to entertain the troops at Christmas. I never got those flights and I never got to see Bob Hope. But finally, in Vietnam, in Nha Trang, the Christmas of '64, I got to see Bob Hope entertaining the troops and my face was one of those out there. You can't imagine what a lift it gives you when you are away from home at Christmas and they bring the entertainment to you. Bob Hope is such a great guy, and I thought that would be enough, but in 1971 the war was still going on and I had an assignment to U-Tapao, Thailand and I got to see Bob Hope again. It was just a bigger thrill the second time. I would appreciate it if you would join me in wishing Bob Hope, "Happy 100<sup>th</sup> Birthday." And I ask the Speaker to send a resolution or declaration to Bob Hope from the New Hampshire House that we recognized his great service to this country and thanks a lot Bob, thanks for the memories.

### RECESS MOTION

Rep. Giuda moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 1:35 p.m.

RECESS

**(Rep. Robert Wheeler in the Chair)**

### SENATE MESSAGES

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 811**, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

The President appointed Sens. Clegg, Gallus and D'Allesandro.

**HB 768**, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

The President appointed Sens. Johnson, Gallus and Below.

**HB 481**, establishing a committee to study the pricing of milk products.

The President appointed Sens. Barnes, Odell and Cohen.

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

The President appointed Sens. Peterson, Clegg and Foster.

**HB 185**, relative to pretermitted heirs.

The President appointed Sens. Peterson, Roberge and Foster.

### CONCURRENCE WITH AMENDMENTS

**SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification.

**SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing.

**SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools.

**SB 135**, relative to hotelkeeper or innkeeper liability for personal child care services.

**SB 139**, relative to exhibition fees charged by the boxing and wrestling commission.

**SB 221-FN**, relative to the offense of obstructing government administration by the use of simulated legal process.

### RECESS

**(Rep. Whalley in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 533**, relative to health carrier disclosure for medical child support enforcement.

#### Amendment (1907-EBA)

Amend section 6 of the bill by replacing lines 1-2 with the following:

6 Health Maintenance Organizations; Medicare Risk Contracts; Reference Change. Amend RSA 420-B:8-I, II to read as follows:

Adopted.

**HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan.

#### Amendment (1938-EBA)

Amend the bill by replacing RSA 216-J:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. The 9 members of the commission shall be as follows:

Adopted.

**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor.

**Amendment (1939-EBA)**

Amend RSA 147-A:3, XXVIII as inserted by section 3 of the bill by replacing line 2 with the following:

generators of hazardous waste specified in RSA 147-A:6-a.

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

after section 6 the following new section:

147-A:6-a Initial Notification Fee.

Amend RSA 147-B:6, I-g as inserted by section 5 of the bill by replacing line 1 with the following:

I-g. Fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a shall be deposited in

Amend RSA 147-B:6, I-g as inserted by section 5 of the bill by replacing line 4 with the following:

provide technical training and assistance to hazardous waste generators, hire personnel, and pay Adopted.

**HB 684-FN**, relative to the insurance rating law.

**Amendment (1940-EBA)**

Amend RSA 412:3, II as inserted by section 1 of the bill by replacing line 3 with the following:

insurers, and which assists insurers in ratemaking-related activities such as those enumerated in

Amend RSA 412:3, XXIV as inserted by section 1 of the bill by replacing line 2 with the following:

premiums or exposures to the average date of writing, for the period during which the policies are to

Amend RSA 412:7, I as inserted by section 1 of the bill by replacing line 9 with the following:

disclosure notice shall also include a policyholder's acknowledgment statement, to be signed and

Amend RSA 412:7, II as inserted by section 1 of the bill by replacing line 3 with the following:

the requirements that the policyholder has met. This certification is to be completed annually and

Amend RSA 412:12 as inserted by section 1 of the bill by replacing line 2 with the following:

examination as a prerequisite to issuance or delivery of any motor vehicle liability policy, the insurer

Amend RSA 412:15, II as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

noncompetitive market under subparagraph I(b), the inadequacy standards under subparagraph I(c)

and the unfair discrimination standard under subparagraph I(d), the following criteria shall apply:

Amend RSA 412:16, II as inserted by section 1 of the bill by replacing line 10 with the following:

that does not pertain to the formulation of rates shall be identified by the filer as proprietary and shall

Amend RSA 412:19, V as inserted by section 1 of the bill by replacing line 3 with the following:

rates for the insurer that are high enough to protect the interests of all parties and may order that a

Amend RSA 412:34, I as inserted by section 1 of the bill by replacing line 2 with the following:

injured workers' return to work;

Amend RSA 412:34, II as inserted by section 1 of the bill by replacing it with the following:

II. No greater than plus or minus 25 percent of the insurer's base rates;

Adopted.

**HB 758-FN**, relative to the criteria for medicaid eligibility.

**Amendment (1915-EBA)**

Amend line 2 of RSA 167:4, IV (b)(3) as inserted by section 1 of the bill by replacing it with the following:

ensuring payment if the individual predeceases the duration of the annuity, in an amount equal to the

Adopted.

**HB 816**, making technical corrections to the securities laws.

**Amendment (1932-EBA)**

Amend RSA 421-A:3 as inserted by section 17 of the bill by replacing line 2 with the following:

soon as practicable on the date of commencement of the takeover bid ~~he~~ *the offeror* files with the

Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 82**, to change the name of "Mount Clay" to Mount Reagan.

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

**HB 460-FN**, relative to property and casualty insurance.

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

**HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits.

**HB 601**, relative to the long-term care insurance act.

**HB 725**, relative to fraternal benefit societies.

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor.

**HB 753**, establishing the fourth Monday in April as General John Stark Day.

**HB 819**, relative to original and youth operators' licenses.

#### NONCONCURRENCE

**HB 122**, relative to an informed jury.

**HB 194**, relative to appeals in landlord/tenant actions.

**HCR 14**, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

#### RE-REFERRED TO COMMITTEE

**HB 499**, expanding opportunities for teacher certification.

**HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections.

#### RECESS

(Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Thursday, June 5, 2003

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Creator of abundance and opportunity, bless the offerings of food and money donated by the members and staff of this honorable House which will benefit the great work being done at the New Hampshire Food Bank on behalf of those citizens who need a helping hand during difficult times. May this food be an outward sign of the inner resolve of this House that no citizen of our beloved New Hampshire shall be without adequate food, medical care, education or job opportunities as all are given the freedom to prosper and to contribute to the well-being of their communities. As always, we ask for Your protective hand to be upon all those who serve in the armed forces, law enforcement agencies, emergency medical services and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Paul Hatch led the Pledge of Allegiance.

The National Anthem was sung by Alexander Basbas, a student from the University of New Hampshire.

### LEAVES OF ABSENCE

Reps. Allison, Balcom, Julie Brown, Cernota, Flanagan, Ford, Hinkle, Kelley, Ruffner, Snyder and Vaillancourt, the day, illness.

Reps. Batula, Bergin, Bleyler, David Bouchard, Daniels, Davidson, Duffy, Haytayan, Hollinger, Hopper, Hunter, Lessard, Meader, Mears, Olimpio, Rodeschin, Thomas and Waterhouse, the day, important business.

Rep. Charles Laflamme, the day, illness in the family.

### INTRODUCTION OF GUESTS

Charles and Sarah Basbas, parents of Alexander Basbas, guests of the Bedford delegation. Michelle Carter and Patricia Bueno, wife and guest of Rep. Mark Carter. Mr. & Mrs. William Gillick, brother and sister-in-law of Rep. Gillick. Hazel & Perley Warden, parents of Rep. Perkins. Deaglan McEachern, son of Rep. McEachern. John Pelletier, son of Rep. Pelletier. Students from Kensington Elementary school accompanied by Mary Knightly, guests of Rockingham District 84.

### INTRODUCTION OF SPECIAL GUEST

Senior Airman Cassidy Clark, New Hampshire Air National Guard, 157<sup>th</sup> Security Forces Squadron, recently returned from Saudi Arabia and serving in Operation Iraqi Freedom, was a guest of the House.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 131, 159, 160, 166, 356, 404, 413, 446, 519, 596, 659, 711, 778, 806 and 807 and Senate Bills numbered 142 and 206.

Rep. Currier, Sen. D'Allesandro for the Committee

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 303**, relative to life, accident, and health technicals. (Amendment printed SJ 5/29/03) Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Fraser, Spiess and Meader.

**HB 139**, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education. (Amendments printed SJ 5/29/03)

Rep. Stephen L'Heureux moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Stephen L'Heureux, Naro, Carson and Mark Carter.

**HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. (Amendment printed SJ 5/22/03)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Drisko, Whalley, Cady and Reeves.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Zolla, O'Neil, Irwin and Robert Wheeler.

**HB 606**, establishing a right-to-know study commission. (Amendment printed SJ 5/22/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Mock, Haytayan, Thomas and Wall.

**HB 420**, relative to state-owned trails and parking lots in the town of Windham. (Amendment printed SJ 5/29/03)

Rep. Royce moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Royce, Lawton, Bruno and Donovan.

**HB 109-FN**, relative to telemarketing practices. (Amendment printed SJ 5/15/03)

Rep. Maxfield moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Thomas, Maxfield, Hunt and Coes.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 72**, relative to the regulation of small loans, title loans, and payday loans.

The President appointed Sens. D'Allesandro, Flanders and Barnes.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Spiess, Stepanek and DeStefano.

**SB 98-FN**, prohibiting telemarketers from contacting customers on a federal do-not-call registry.

The President appointed Sens. Green, Roberge and Estabrook.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Fraser, Thomas and Coes.

**SB 121-FN**, relative to mortgage originator registration.

The President appointed Sens. Flanders, Sapareto and Larsen.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Spiess, Stepanek, and DeStefano.

**SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation.

The President appointed Sens. Johnson, Flanders and Cohen.

Rep. Gilman moved that the House accede.

The Speaker appointed Reps. Bishop, Paul Harrington, Slocum and Baroody.



**SB 44**, relative to penalties for vehicle dealers.

The President appointed Sens. Flanders, Morse and Below.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, John Flanders, Letourneau and Ferland.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 674-FN**, relative to legal representation for indigent parties and notification requirements under the Child Protection Act. (Amendment printed SJ 5/22/03)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

**HB 259**, relative to the regulation of gift certificates under the consumer protection act. (Amendment printed SJ 5/29/03)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile services officers against individuals under their supervision. (Amendments printed SJ 5/29/03)

Rep. Welch moved that the House concur.

Rep. Knowles spoke in favor.

Adopted.

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Amendment printed SJ 5/22/03)

Rep. Welch moved that the House concur.

Rep. Stevens spoke in favor.

Adopted.

**HB 568-L**, relative to legal residency for the purpose of public school education. (Amendment printed SJ 5/29/03)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

**HB 281-FN-A**, exempting automatic irrigation system installers from licensure by the electrician's board. (Amendment printed SJ 5/29/03)

Rep. O'Neil moved that the House concur and spoke in favor.

Adopted.

**HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefor. (Amendment printed SJ 5/29/03)

Rep. O'Neil moved that the House concur and spoke in favor.

Adopted.

**HB 210-FN-A**, relative to passenger tramway registration fees and relative to carnival or amusement ride fees. (Amendment printed SJ 5/29/03)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted.

**HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor. (Amendment printed SJ 5/22/03)

Rep. Kurk moved that the House concur.

Rep. Stone spoke in favor.

Adopted.

**HB 112-FN**, establishing a point system for the annual moose permit lottery. (Amendment printed SJ 5/22/03)

Rep. McKinney moved that the House concur and spoke in favor.

Adopted.

**HB 393**, extending the reporting dates for certain study committees. Amendment printed SJ 5/29/03)  
Rep. Dalrymple moved that the House concur and spoke in favor.  
Adopted.

**HB 295**, relative to information filed with the regional planning commissions. (Amendment printed SJ 5/29/03)  
Rep. Patten moved that the House concur and spoke in favor.  
Adopted.

**HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority. (Amendment printed SJ 5/22/03)  
Rep. Edwin Smith moved that the House concur and spoke in favor.  
Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 161**, relative to procedures in eminent domain proceedings, removed by Rep. Edwin Smith.  
Consent Calendar adopted.

### CONSENT CALENDAR

**SB 15**, relative to Election Day registration. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The sponsors of this bill believe another bill, HB 627 is a more comprehensive law and includes the intent the sponsors had regarding election day registration. This bill would have provided another form for voter registration, which was not as comprehensive as the House passed bill. Vote 12-0.

**SB 17**, relative to incompatible offices. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: This bill addresses the same issue as HB 394, which passed the House on March 20<sup>th</sup> and is far more inclusive. The prime sponsor of this bill is a co-sponsor of HB 394 and agrees that this bill is no longer necessary. Vote 12-0.

**SB 16-FN**, establishing the governor's incentive and reward program. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: In the 2004 and 2005 budget as passed by the House, the Governor has an incentive and reward program funded by his salary transferred to this program. In 1983, RSA 99:E became law and it established an incentive program for extraordinary employee service and original suggestions for improving government operation, safety and efficiency. Under the program the total of awards granted in any fiscal year could not exceed \$10,000. SB 16 which upon passage repeals RSA 99:E, has the same objectives, however, the financial rewards are either \$10,000 or 10% of the cost savings in the first year of implementation for each award. The funding for the program comes from the savings brought forth by the recommendation of the employee. Furthermore, upon passage, the Finance Committee recommends the executive branch make a concentrated effort to notify all state employees of the program. Vote 18-0.

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill will increase state restricted expenditures (retirement funds) by \$5,000 each year and has no impact on local, county, or state expenditures. Vote 18-0.

**SB 46-FN**, repealing the meat inspection account and the poultry inspection account. **OUGHT TO PASS**

Rep. Frederick W. King for Finance: This bill retires the meat inspection special account. New Hampshire does not conduct inspections of slaughterhouses and has not done so for the past 30 years or more. This special account is no longer needed. Vote 22-0.

**SB 58-FN-A**, relative to the net operating loss under the business profits tax. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: States compete with each other to attract businesses. Most of New Hampshire's taxes make us very competitive. However, our business taxes are in the higher echelon. Many states allow a discount from taxes paid, or owed, when a company suffers a loss in a

tax year. Our existing law mirrored federal tax code by requiring losses to be carried back against the previous three years profits before any remaining losses could be carried forward as a credit against future profit. Carry-backs make revenue estimates difficult. When the business cycle is in decline, not only are revenues reduced from estimates, but the state must also write rebate checks from taxes that have already been spent. This would be a double hit. The Department of Revenue Administration dealt with this by prohibiting amended returns. The result was that carry back losses became "phantom" losses, and no allowances against taxes could be taken. This bill removes the contradiction between law and rule, and allows losses to be carried forward progressively increasing to as many as ten years after 2007 to a maximum of one million. This shifts credits to the upside of the business cycle, delaying incremental revenue loss until there is a positive trend in revenue. Vote 19-0.

**SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This is an important change in our postsecondary education laws. The committee made no change in the \$1 appropriation. The committee of conference on the budget may revisit this amount. Vote 21-0.

**SB 80**, relative to vocational education and the automotive technology curriculum. **OUGHT TO PASS**  
Rep. Marjorie K. Smith for Finance: There are currently 18 regional career and technical education centers that offer courses in automotive technology. Each of the centers is trying to obtain certification from the national body which would make it possible for those who complete these secondary level courses to move on to postsecondary level courses. After satisfactory completion at the postsecondary level, graduates could be certified in a field which is currently significantly understaffed. The bill supports the importance of this training, establishes operational frameworks and the ability to accept matching funds already offered by the NH Automobile Dealers Association. A maximum of \$90,000 in state funding would be required but no state funds are appropriated by this bill. Vote 21-0.

**SB 85-FN**, making certain revisions to the special education laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This bill came about as the result of a 2000 federal audit. It makes certain changes in the language of state special education laws to clarify existing policy or conform with state law. There is no impact on state, county, or local revenue or expenditures. Vote 21-0.

#### Amendment (1652h)

Amend RSA 186-C:18, VI (a) as inserted by section 2 of the bill by replacing it with the following:

(a) Catastrophic aid payments under paragraph III on or before January 1 [~~of School~~], *provided that school districts shall annually submit their catastrophic costs for the immediately preceding school year* to the state board of education by [~~June 30~~] *July 31* [~~of each fiscal year~~]. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous [~~fiscal~~] year on or before January 1 of each [~~fiscal~~] year.

**SB 86-FN**, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. It also extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The finance committee amendment makes changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented would have set the state on the path to accreditation regardless of cost or outcomes. The committee also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed. Vote 21-0.

**Amendment (1758h)**

Amend the bill by replacing section 4 with the following:

4 Department of Health and Human Services; Plan for Accreditation by the Council on Accreditation for Children and Family Services. The department of health and human services shall develop a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. The plan shall contain (1) inputs, including staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements, and any other costs associated with achieving accreditation, and (2) outcomes, including an assessment, based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. The plan shall be submitted by February 1, 2004 to the governor, the president of the senate, the chairs of the finance and public institutions, health and human services committees of the senate, the speaker of the house of representatives, the chairs of the finance and children and family law committees of the house of representatives, the legislative budget assistant, the advisory board established in RSA 170-G:6, and the New Hampshire child fatality review committee.

Amend the bill by deleting section 5 and renumbering the original sections 6-8 to read as 5-7, respectively.

**AMENDED ANALYSIS**

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

**SB 90-FN**, increasing the cap for relocation assistance for businesses in eminent domain proceedings. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill increases the cap for businesses in eminent domain proceedings from \$10,000 to \$100,000. The amount is for actual reasonable expenses necessary to reestablish a displaced farm, non-profit organization or small business at a new site, subsequent to eminent domain proceedings. Vote 21-0.

**SB 179-FN-A**, relative to positions in the banking department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill provides for the recommendation of a recent LBA audit and review of the Consumer Credit Division within the Banking Department to come to fruition. Additional positions are required to allow the commissioner to comply with current statutes and the funds are contained in the budget bill. The committee passed this bill to authorize the positions in the event of complications to the budget bill and amended it to take effect upon passage. Vote 18-0.

**Amendment (1825h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**SB 197-FN**, relative to extended unemployment benefits and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill provides 13 weeks of additional benefits to those who have exhausted benefits under the state Unemployment Compensation Program during the period from 6/1/02 to 12/28/03. The source of funding is federal dollars from the Reed Act in the amount of \$38 million. There is no direct cost to New Hampshire employers. The current balance of the Unemployment Trust Fund (as of 5/03) is \$268 million. Vote 18-0.

**SB 77**, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: Official ballot voting has become a way of life in some municipalities and school districts, which are also statutorily called political subdivisions. If any political subdivision adopted the official ballot voting type of government under RSA 40:13, also known as SB 2, any change needed had to come to the legislature to be enacted and then the change would automatically happen at the local level. When the statute (RSA 33:8) was changed in 1997, a 3/5 vote for bonds and notes was all that was needed in those political subdivisions. In contrast, any political subdivision that adopted official ballot voting type of government under RSA 49D, also known as HB 141 charter process, a 2/3 vote for bonds and notes was required. Any updates, changes or adoption of a charter have to be voted upon by the legislative body of the political subdivision. One of the amendments to SB 77 allows these political subdivisions to determine whether a 3/5 or a 2/3 vote for bonds or notes will be required. Sections 2, 3 and 4 are non-germane amendments that had the required posting and public hearing prior to decisions made by the Committee. Section 2 adjusts the Coos County Apportionment for 2002 for Wentworth Location to correct an error in the Department of Revenues' calculation of the county tax. Section 3 ratifies the 2003 Hampton Beach Village District annual meeting because the posting of the warrant was one day later than required by state law. Vote 12-2.

### Amendment (1842h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.

Amend the bill by replacing all after the enacting clause with the following:

I Town Charters; Official Ballot Procedures; Bonds Issues. Amend RSA 49-D:3, II-a to read as follows:

II-a. Official ballot town meeting shall be a variation of the open town meeting which provides for voting on some or all warrant articles, including part or all of the annual town operating budget, by official ballot. In such event, the open town meeting shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town meeting is included in any charter, the provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, *and* the conduct of such meetings [~~and the type of majority required for bond issues~~] shall apply to the official ballot and open town meeting in all respects. *The majority vote required to approve bonds or notes shall be either 2/3 or 3/5 as adopted and provided for in the charter. If a charter is silent with regard to such required majority, then the majority vote shall be 2/3.* When a charter provides for an official ballot town meeting it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special meetings. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Nonbudgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

2 Adjustment to Coos County Apportionment for 2002; Wentworth's Location Warrant. As a modification to the 2003 property tax rates, the department of revenue administration shall adjust the 2003 Coos county apportionment among cities, towns, and unincorporated places by the amount of \$11,257, which is equal to the 2002 apportionment for Wentworth's Location resulting from an incorrect application of the 2001 equalized valuation percentage. Notwithstanding any other provision of law, for the tax year beginning April 1, 2003, the equalized value to be used to calculate the statewide education property tax warrant for the unincorporated place of Wentworth's Location shall be \$5,567,771.

3 Ratification of the 2003 Hampton Beach Village District Annual Meeting. All acts, notices, votes, and proceedings of the Hampton Beach village district annual meeting held on March 28, 2003 are hereby legalized, ratified, and confirmed.

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

- I. Allows political subdivisions that have adopted a town charter the option of a 2/3 or a 3/5 majority when voting on bonds or notes.
- II. Requires the department of revenue administration to adjust the 2003 county taxes for Coos county and the statewide education property tax warrant for Wentworth's Location.
- III. Ratifies the 2003 Hampton Beach village district annual meeting.

## REGULAR CALENDAR

**SB 21, relative to health insurance riders. OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This bill affects only health insurance for individuals and follows up on changes made two years ago to the rules for the individual market. Similar to what SB 110 does for the small group market, community rating was repealed two years ago in the individual market and health insurance companies are now allowed to "underwrite" their non-group or individual coverage. Unlike SB110, the individual market does not have guaranteed issue (whereby the insurance companies must offer their policies to everyone). If someone is unable to get health insurance in the individual market, they can get insurance from the high-risk pool. This bill will allow insurers in the individual market to offer a policy to a new customer (not for renewals) that excludes certain pre-existing conditions. So, instead of not making any offer to a person with a significant health condition, this bill authorizes insurers to place health insurance riders or endorsements on individual policies excluding coverage for certain specified medical conditions that existed prior to the issuance of coverage. At the hearing, the committee learned that typical exclusions are allergies and lower back pain. The coverage exclusion cannot apply to any other medical condition not related directly to the specific medical condition being excluded, and the committee added language requiring that the consumer be notified in writing and before buying the policy of all the conditions or complications that will be considered to be related to the excluded condition and therefore not covered. The insurer may exclude no more than two specified conditions. These exclusions shall not apply to services, benefits or options required by state or federal law to be included in the coverage. Persons with diabetes and other conditions that can have numerous of different kinds of complications will probably not be able to take advantage of this legislation and will most likely be referred to the high-risk pool. Vote 15-2.

**Amendment (1707h)**

Amend RSA 420-G:5, II as inserted by section I of the bill by inserting after subparagraph (j) the following new subparagraph:

*(k) Any rider or endorsement used to reduce or deny payment for coverage otherwise included in the policy, shall include the name or specific description of the sickness or physical condition that is to be reduced or denied.*

Adopted.

Report adopted and ordered to third reading.

**SB 110, relative to small group health insurance coverage. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the Majority of Commerce: This bill has been in the making for several years. Similar legislation was introduced two sessions ago, but the committee felt at that time that the changes to the individual market needed to happen first. The reforms in this legislation are designed to bring more insurance companies and products back into the state and to make the small group health insurance market more competitive. The committee held many work sessions on this bill so that each element of the bill was understood and made sense for New Hampshire. Currently New Hampshire is a "community rated" state with only age and group size as allowable rating factors. What this means is that the premium paid in New Hampshire for a particular health benefit plan from a particular insurer will not differ by very much from one small employer to another. As predicted when this law was debated almost 10 years ago, the current law disfavored insurance companies offering indemnity type coverage, and many of them subsequently left the state. The vast majority of small employers now buy their coverage from a handful of HMOs. When the current law was passed, it was said to be model legislation that other states would adopt. About 12 states did pass community rating, but most states opted for a less restrictive scheme of rating parameters.

This legislation will reintroduce competition by bringing back insurance underwriting. The bill changes the age banding from 3:1 to 4:1, which will match what we did in the individual market. It changes the definition of the small group market from the current 1 to 100 employees to 1 to 50. For employers who have 51 to 100 employees and now will be treated as large employers, the amendment limits the extent to which insurers can underwrite the group based on that group's own experience. New Hampshire was the only state that went to 100 for its definition of small employers. Every other state stops at 50 employees. This legislation also permits the use of new rating factors for industry classification, health status, and geographic location. There is a specified range that limits the extent to which each factor can be used, and in every case these ranges are similar to or more stringent than what most other states allow. The one factor that seemed to generate the most controversy was geographic location. Ironically, this is the one of the factors that is permitted without limitation by the vast majority of the other states. The Insurance Department reported that it believes that the north country and the sea coast could be the areas most affected by the introduction of increased rating flexibility due to the higher medical loss ratios reported by insurers writing in those regions. However, the Department believes that this impact is not solely attributable to geographic rating.

Although the legislation has caps on how much any one group's premium can go up, the committee is confident that the reintroduction of competition and more product choice will tend to limit the extent to which higher risk groups experience premium increases, making the caps largely unnecessary. Other insurance such as auto and life have very few limits or restrictions on rating factors, and New Hampshire has a very competitive and reasonably priced market for those types of insurance. The assumption that someone will be rated to the maximum of each factor is not how insurance underwriting works. Not all companies use all the factors, and not all companies that use a factor do so to the maximum extent allowable. Rating factors are just underwriting tools, and insurance companies often adjust a customer down to get their business. To say certain areas or people will be severely disadvantaged by allowing the use of rating factors is to disregard how insurance underwriting works and what is happening in other states. The committee also amended this bill to add new reporting requirements concerning the use of rating factors by insurers and creating an oversight committee to report annually on the impact of this legislation. This bill strikes a good balance between current law and the laws that exist in the many states that allow even greater underwriting flexibility in the small group market Vote 10-8.

Rep. Matthew J. Quandt for the Minority of Commerce: The minority approaches healthcare reform from the perspective that 91% of New Hampshire adults and children have healthcare. We are the healthiest state in the United States. Further, 76% of those insured receive their insurance from their employers who are in the small group market. Therefore, when altering the small group market any legislation should do so from the premise of not reducing the amount of insured. At the heart of the legislation is underwriting and the ability of insurers to manipulate the risk pool. In the case of SB 110, it will be easier for insurers to segregate the healthy from the unhealthy. The proponents of this bill say that these changes will create competition amongst insurers and therefore drive down premiums. Upon exhaustive hearings and a plethora of information provided to the committee, there was not evidence that there would be a decrease in premiums. The best that the proponents could say was that premiums would not go up as much and there would be new products introduced into the market. The minority felt that an unintended consequence could be an increase in uninsured. Further, the bill does not address the underlying costs that are driving healthcare-utilization and administration. Recognizing the importance of the legislation and the need to create appropriate competition, the minority felt that the bill should be retained and worked on in combination with two other bills retained by the committee, HB 265 and HB 652 which address the cost drivers of healthcare.

### **Majority Amendment (1713h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to small group health insurance coverage and relative to health plan loss information.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; "Base Rate." RSA 420-G:2, 1 is repealed and reenacted to read as follows:

1. "Base rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and the small employer group health insurance market.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the base rate through the application of factors that reflect actuarially demonstrated differences in expected utilization or cost attributable to differences in the coverage design and/or the provider contracts that support the coverage.

3 Definition of Large Employer. Amend RSA 420-G:2, XII(a) to read as follows:

XII.(a) "Large employer" means an employer that employed on average at least ~~[100]~~ 51 persons, on business days, during the previous calendar year.

4 Definition of a Small Employer. Amend RSA 420-G:2, XVI(a) to read as follows:

XVI.(a) "Small employer" means a business or organization which employed on average, one and up to ~~[100]~~ 50 employees, including owners and self-employed persons, on business days during the previous calendar year. A small employer is subject to this chapter whether or not it becomes part of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it meets this definition.

5 Premium Rates for Small Employers. RSA 420-G:4, 1 is repealed and reenacted to read as follows:

I. Health carriers providing health coverage to individuals and small employers under this chapter shall be subject to the following:

(a) All premiums charged shall be guaranteed for at least 12 months, unless otherwise allowed by the commissioner.

(b) Base rate shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

(c) Health carriers shall calculate health coverage plan rates for each of the coverages or health benefit plans written by that carrier. Variations in health coverage plan rates shall be solely attributable to variations in expected utilization or cost due to differences in coverage design and/or the provider contracts or other provider costs associated with specific coverages and shall not reflect differences due to the nature of the groups or eligible persons assumed to select particular health coverages.

(d) In establishing the premium charged, health carriers providing coverage to individuals shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, health status, and tobacco use. Such factors may be utilized only in accordance with the following limitations:

(1) The maximum premium differential for age as determined by ratio shall be 4 to 1. The limitation shall not apply for determining rates for an attained age of less than 19.

(2) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

(3) Permissible rating characteristics shall not include changes in health status after issue.

(e) In establishing the premium charged, health carriers providing coverage to small employers shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status. Such factors may be utilized only in accordance with the following limitations:

(1) Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19.

(2) Carriers modifying such average premium for age may do so only by using the following age brackets:

0 – 18  
 19 – 24  
 25 – 29  
 30 – 34  
 35 – 39  
 40 – 44  
 45 – 49  
 50 – 54  
 55 – 59  
 60 – 64  
 65 +



(3) Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.

(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.

(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.

(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:

(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.

(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.

(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.

(f) Each rating factor that a carrier chooses to utilize shall be reflective of claim cost variations that correlate with that factor independently of claim cost variations that correlate with any of the other allowable factors.

(g) The same rating methodology shall apply to newly covered individuals and to individuals renewing at each annual renewal date, or to new small employers and small employers renewing at each annual renewal date or anniversary date. Rating methodology shall not be construed to include health carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

(h) The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.

6 New Paragraph; Premium Rates. Amend RSA 420-G:4 by inserting after paragraph II the following new paragraph:

III. A health carrier, when determining the premium charged to a large employer group that employs from 51 to 100 employees, shall calculate the rate using a weighted average calculation consisting of the group's experience and the carrier's large employer group pool experience. The weight used for the group's experience shall be no more than 25 percent and the weight used for the experience of the carrier's large employer group pool shall be a minimum of 75 percent.

7 Medical Underwriting. RSA 420-G:5 is repealed and reenacted to read as follows:  
420-G:5 Medical Underwriting.

I Health carriers providing health coverage for individuals or small employer groups may perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. Such underwriting shall be limited to the use of a standardized health statement for use in adjustments to rating pursuant to RSA 420-G:4. The commissioner shall, by rule, require carriers to use standardized health statements.

II. Health carriers providing health coverage for individuals may refuse to write or issue coverage to an individual because of his or her health status. Regardless of claim experience, health status, or medical history, health carriers providing health coverage for small employers shall not refuse to write or issue any of their available coverages or health benefit plans to any small employer group that elects to be covered under that plan and agrees to make premium payments and meet the other requirements of the plan.

III. Health carriers providing health coverage for small employer groups shall not knowingly provide health coverage to groups where the employer has discriminated based on health status or claims history against any employee or potential employee or his or her dependents with respect to participation in an employer-sponsored health benefit plan.

IV. Health carriers shall not offer riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of this chapter.

V. Individual health insurance carriers shall be responsible for ascertaining the eligibility of any individual applicant or insured for high risk pool coverage. If a carrier determines that an individual meets any of the eligibility criteria set forth in RSA 404-G:5-e, the carrier shall give the individual written notice, with the declination of coverage, the coverage offering or upon a rate increase at renewal. The notice shall include information about available benefits and exclusions of high risk pool coverage and the name, address, and telephone number of the pool administrator or the administrator's designee.

VI. It shall constitute an unfair trade practice under RSA 417 for an insurer, insurance producer, or third party administrator to refer an individual employee to the pool, or arrange for an individual employee to apply to the pool, for the purpose of separating that employee from group health insurance coverage provided in connection with the employee's employment.

8 Qualified Association Trust. RSA 420-G:10 is repealed and reenacted to read as follows:

420-G:10 Qualified Association Trust.

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's group experience, except that no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust.

9 Group Health Insurance; Health Plan Loss Information. RSA 420-G:12-a is repealed and reenacted to read as follows:

420-G:12-a Health Plan Loss Information.

I. To ensure maximum competition in the purchase of group health insurance, all private and public employers with at least 50 employees enrolled in their group health plan shall be entitled to receive their specific health plan loss information upon request and without charge. No contract between any health carrier, third-party administrator, employer group or pool of employers shall abridge this right in any manner.

II. Upon written request from any private or public employer with 50 or more employees enrolled in its group health plan, every health carrier, third-party administrator, pooled risk management program under RSA 5-B or any other type of multiple employer health plan shall provide that employer's loss information within 30 calendar days of receipt of the request. The loss information shall include all physician, hospital, prescription drug, and other covered medical claims specific to the employer's group plan incurred for the 12-month period paid through the 14 months which end within the 60-day period prior to the date of the request. An employer shall not be entitled by this section to more than 2 loss information requests in any 12-month period; however, nothing shall prohibit a carrier from fulfilling more frequent requests on a mutually agreed-upon basis.

III. If an employer requests loss information from an insurance agent or other authorized representative, including an administrator of a pooled risk management program or a multiple employer health plan, the agent or authorized representative shall transmit the request to the health carrier or carriers or third-party administrator within 4 working days.

10 Commissioner's Requested Information. Amend RSA 420-G:14-a to read as follows:

420-G:14-a Requested Information.

I. As authorized in accordance with RSA 420-G:14, the commissioner may request the submission of such information by carriers as is necessary to better understand the coverage history and choices of participants in the nongroup market. The commissioner shall make every attempt to ensure the reasonableness of such request, both in terms of scope and timeframe, and to limit this request to information the commissioner deems necessary to better understand the dynamics of the nongroup health insurance market and to assess the appropriateness of alternative sources of funding for the nongroup subsidy.

*II. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the distribution of rating factors being applied to small employers. The commissioner's report shall summarize the rating factors utilized by health carriers in the preceding calendar year.*

*III. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the types of health coverage being purchased by individuals and employers by geographic area. The report shall include specific details regarding the type of coverage, including, but not limited to, co-pays, out-of-pocket maximums, network restrictions, and deductibles.*

*IV. The commissioner shall file the required reports by July 1 of each year with the senate president, the speaker of the house, the chairperson of the house commerce committee, and the chairperson of the senate insurance committee.*

11 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, I(a) to read as follows:

(a) No preexisting condition exclusion shall extend beyond a period of [3] 9 consecutive months ~~[while the person's health coverage is in force and during which the person incurred no medical treatment expenses in connection with the preexisting condition, or beyond 6 consecutive months while the person has been continuously covered and actively at work full-time, or beyond 12 months]~~ after the effective date of the person's health coverage; and

12 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, II(a) to read as follows:

(a) No preexisting condition exclusion period shall extend beyond a period of [3] 9 consecutive months ~~[ending while the individual's or covered person's health coverage is in force and during which the individual incurred no medical care treatment expenses in connection with the preexisting condition, or beyond 9 months following]~~ after the effective date of the person's health coverage.

13 New Section; Legislative Oversight Committee Established. Amend RSA 420-G by inserting after section 14-b the following new section:

420-G:14-c Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members, of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house commerce committee and senate insurance committee on November 1 of each year.

14 Repeal. RSA 420-G:4, I(e)(7) relative to increasing the premium rate, is repealed.

15 Repeal. RSA 420-G:4, III, relative to premium rates for certain large employers, is repealed.

16 Repeal. RSA 420-G:8, I(b), relative to medical underwriting, is repealed.

17 Repeal. RSA 420-G:14-c, relative to a legislative oversight committee, is repealed.

18 Effective Date.

I. Section 9 of this act shall take effect September 1, 2003.

II. Section 14 of this act shall take effect January 1, 2005.

III. Section 15 of this act shall take effect January 1, 2006.

IV. Section 17 of this act shall take effect January 1, 2009.

V. The remainder of this act shall take effect January 1, 2004.

#### AMENDED ANALYSIS

This bill revises the laws relative to small group health insurance. The bill changes the definition of small group employer to employers with 2-50 employees. Current law defines small group employers to have 1-100 employees. The bill establishes a legislative oversight committee on small group health insurance reform.

This bill also allows all private and public employers with at least 50 employees enrolled in their group health plan to receive health plan loss information upon request and without charge.

On a division vote, 204 members having voted in the affirmative and 143 in the negative, the majority amendment was adopted.

Reps. DeStefano, Gibson and Brady spoke against.

Reps. Spiess and Newton spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Francoeur requested a roll call, sufficiently seconded.

The question being adoption of the majority report.

**YEAS 202 NAYS 161****YEAS 202  
BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Allen, Janet  
Dewhirst, Glenn  
Lafiam, Robert  
Rice, Thomas

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Russell, David

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

**CARROLL**

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Philbrick, Donald

Dickinson, Howard  
Merrow, Harry  
Stevens, Stanley

Hatch, Paul  
Mock, Henry

**CHESHIRE**

Dexter, Judson  
Liebl, George

Fish, Douglas  
Manning, Joseph

Hunt, John  
Royce, H Charles

Laurent, John  
Smith, Edwin

**COOS**

Guay, Lawrence

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Maybeck, Margie

Alger, John  
Eaton, Stephanie  
Naro, Debra

Barker, Robert  
Giuda, Robert  
Sorg, Gregory

Dorsett, Andrew  
Ingbreton, Paul  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bruno, Pierre  
Carter, Mark  
Crane, Elenore Casey  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Hansen, Ryan  
Jasper, Shawn  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Sullivan, Jeffrey

Allan, Nelson  
Barry, J Gail  
Buhlman, David  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Gonzalez, Carlos  
Greenberg, Gary  
Harrington, Paul  
Kurk, Neal  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Slocum, Lee  
Tahir, Saghir

Arnold, Thomas Jr  
Beaton, William  
Carlson, Donald  
Christiansen, Lars  
Drisko, Richard  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Hawkins, Ken  
L'Heureux, Robert  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Spiess, Paul  
Wheeler, James

Artz, Lawrence  
Brundige, Robert  
Carter, Jeffrey  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hallyburton, Margaret  
Infantine, William  
Lawrence, James  
McHugh, Claire  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Stepanek, Stephen  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Foley, Albert  
Kenison, Leon  
Lockwood, Priscilla  
McCormick, Tom

Colcord, J D  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Oliver, James

Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
Marple, Richard  
Ouellette, Robert

Field, William  
Hess, David  
Leber, William  
Maxfield, Roy  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Camm, Kevin  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila

Bicknell, Elbert  
Clark, Vivian  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey

Bridle, Russell  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl

Gillick, Thomas  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Roessner, Kurt  
Stone, Joseph  
Welch, David

Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Letourneau, Robert  
Morris, Richard  
Priestley, Anne  
Scamman, Stella  
Tufts, J Arthur  
Wiley, Robert

Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Noyes, Richard  
Putnam, Ed II  
Smith, Donald  
Varrell, Thomas  
Zolla, William

Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Manning, John  
O'Neil, Michael  
Rausch, James  
Smith, Paul  
Weare, E Albert

## STRAFFORD

Albert, Russell  
Easson, Timothy  
Scott, David

Bemis, Alan  
Harrington, Michael  
Twombly, James

Campbell, W Packy  
Musler, George  
Woods, Phyllis

Cataldo, Sam  
Newton, Clifford

## SULLIVAN

Jones, Constance

Leone, Richard

## NAYS 161

## BELKNAP

None

## CARROLL

Babson, David Jr

## CHESHIRE

Allen, Peter  
Espieffs, Peter  
Pratt, John  
Tilton, Anna

Batchelder, Robert  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

Dunn, James  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Eaton, Daniel  
Pratt, Irene  
Slack, Pamela

## COOS

Brady, Mark  
Stohl, Eric

King, Frederick  
Theberge, Robert

Poulin, Richard  
Tholl, John Jr

Richardson, Herbert  
Woodward, David

## GRAFTON

Almy, Susan  
Diamond, Estelle  
Hammond, Lee  
Solomon, Peter

Benn, Bernard  
Gilman, G Michael  
Nordgren, Sharon

Cooney, Mary  
Gionet, Edmond  
Scovner, Nancy

Densmore, Edward  
Ham, Bonnie  
Sokol, Hilda

## HILLSBOROUGH

Allen, Timothy  
Buckley, Raymond  
Clemons, Jane  
Desmarais, Vivian  
Hagan, Barbara  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Movsesian, Lori  
Price, Pamela  
Souza, Kathleen  
Tate, Joan

Baroody, Benjamin  
Cail, Kenneth  
Cote, David  
Dokmo, Cynthia  
Haley, Robert  
Johnson, Lionel  
Kopka, Angeline  
Lefebvre, Roland  
Palangas, Eric  
Scanlon, Michael  
Sullivan, Francis

Bergeron, Jean-Guy  
Chabot, Robert  
Cote, Peter  
Gibson, John  
Holden, Randolph  
Katsiantonis, Thomas  
Kudalis, Debra  
Malloy, Chris  
Pappas, Christopher  
Schulze, Joan  
Sullivan, Peter

Brassard, Paul  
Clayton, William  
Craig, James  
Gorman, Mary  
Irwin, Anne-Marie  
Kerns, J Edward  
LaFlamme, Paul  
Messier, Irene  
Pilotte, Maurice  
Shaw, Barbara  
Sweeney, Cynthia

## MERRIMACK

Blanchard, Elizabeth  
Currier, David  
French, Barbara  
Langer, Ray  
Perkins, Randy  
Seldin, Gloria

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Nutter, Edward  
Potter, Frances  
Soltani, Tony

Brueggemann, Donald  
DeJoie, John  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
DeStefano, Stephen  
Jacobson, Alf  
Owen, Derek  
Rush, Deanna

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Casey, Kimberly	Coes, Betsy
Cooney, Richard	Corbin, Corey	Gleason, John	Gould, Kenneth
Hutchinson, Karen	Langley, Jane	Langone, John	McCann, Richard
McEachern, Paul	McMahon, Charles	Moore, Benjamin	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Vallone, Matthew	Weldy, Norman Jr	Weyler, Kenneth
Winchell, George			

**STRAFFORD**

Berube, Roger	Bickford, David	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra

Phinizy, James

and the majority report was adopted.

Ordered to third reading.

Rep. Headd declared a conflict of interest and did not participate.

**SB 76, relative to the process for nonrenewal of teacher contracts. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Carter for the Majority of Education: This bill streamlines the process of appeal of non-renewal of teacher contracts by local school boards based on poor performance. Currently teachers are in a special position, unlike any other employee in the state, because they have multiple avenues of review of non-renewal decisions. These multiple reviews are time consuming and expensive for local school boards and ultimately deter non-renewal decisions. School boards are required to hire attorneys and expend teacher and administrator time (otherwise spent in the schools) in lengthy hearings appealing their decisions. The bill provides protections to school boards, parents and teachers. The bill continues to provide full due process rights to teachers. Superintendents are required to demonstrate at a local school board hearing that a teacher received written notice of unsatisfactory performance, had an opportunity to correct the performance, and that the teacher failed to correct the unsatisfactory performance. All decisions of local school boards may be appealed to the State Board of Education and shall be upheld unless they are shown to be clearly erroneous. This procedure provides great weight to decisions made by the local school boards. The bill also provides that non-renewal decisions shall not be subject to binding arbitration. Binding arbitration hearings are an additional cost to local taxpayers. This provision does not impact binding arbitration on any other teacher contract matters other than non-renewal for unsatisfactory performance. The House has overwhelmingly passed this legislation three times since 1999. This proposal has the support of the Speaker, the Governor, the NH School Boards Association, and the NH School Administrators Association. The passage of this bill will improve the quality of teaching in the state and is crucial to education reform. Vote 11-7.

Rep. James T. Dunn for the Minority of Education: This legislation is an egregious assault on local control by removing from existing collective bargaining agreements binding arbitration as those agreements expire. This legislation takes away from teacher's valuable protection from arbitrary and capricious dismissal. The minority thinks that if bad teachers exist in New Hampshire schools, perhaps administrators need further training in evaluation, and dismissal procedure as outlined in the collective bargaining agreement. Therefore the minority offers an amendment to clarify continuing contract non-renewal.

Rep. James Dunn offered the minority amendment (1305h).

**Minority Amendment (1305h)**

Amend the bill by replacing all after section 3 with the following:

4 Review of Nonrenewal Decision. RSA 189:14-b is repealed and reenacted to read as follows:  
189:14-b Appeal of Nonrenewal Decision.

I. A teacher aggrieved by a nonrenewal decision may appeal to the school board and superintendent for review of such decision. The petition for appeal shall be in writing and submitted to the superintendent within 10 days of the nonrenewal decision. Upon receipt of such petition, the superintendent shall notify the school board and shall schedule a hearing within 10 days of receipt of the petition. A decision shall be issued in writing within 10 days after the hearing.

II. A teacher aggrieved by an unfavorable decision issued under paragraph I may, within 10 days of such decision, request binding arbitration. An arbitrator certified by the American Arbitration Association shall be agreed upon by the parties and the decision of the arbitrator shall be final and binding upon both parties. The parties involved shall share the costs of arbitration in equal measure.

III. The procedures set forth in this section constitute the exclusive remedy available on the issue of nonrenewal of a teacher's contract.

5 Applicability. Section 4 of this act shall not be construed to alter, amend, or modify any existing collective bargaining agreement in effect upon the effective date of this act, but shall apply upon the expiration and subsequent renegotiation of each collective bargaining agreement.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill clarifies the process for nonrenewal of teacher contracts and the appeal of nonrenewal decisions.

Rep. Dunn spoke in favor.

Reps. Carson and Alger spoke against.

On a division vote, 124 members having voted in the affirmative and 229 in the negative, the minority amendment failed.

Reps. Sandra Harris, Souza, DiFruscia and Hagan spoke against.

Reps. Mark Carter and Carson spoke in favor.

Rep. Mark Carter requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

### YEAS 226 NAYS 134

#### YEAS 226

#### BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Wendelboe, Fran	Whalley, Michael	

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

#### CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Smith, Edwin	

#### COOS

Guay, Lawrence	King, Frederick	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Sorg, Gregory	Williams, Burton		

**HILLSBOROUGH**

Adams, Jarvis  
 Artz, Lawrence  
 Bergeron, Jean-Guy  
 Cail, Kenneth  
 Chabot, Robert  
 Crane, Elenore Casey  
 Elliott, Larry  
 Furman, Christine  
 Goulet, Maurice  
 Hall, Charles  
 Holden, Randolph  
 Kurk, Neal  
 Leach, Edward  
 McRae, Karen  
 Moran, Edward  
 Pappas, Marc  
 Rowe, Robert  
 Stepanek, Stephen  
 Wheeler, Robert

Allan, Nelson  
 Balboni, Michael  
 Brundige, Robert  
 Carlson, Donald  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Emerton, Larry  
 Gargas, Carolyn  
 Goyette, Peter Jr  
 Hallyburton, Margaret  
 Infantine, William  
 L'Heureux, Robert  
 Luebker, Bernard  
 Mercer, Robert  
 Mosher, William  
 Pepino, Leo  
 Scanlon, Michael  
 Sullivan, Jeffrey

Allen, Timothy  
 Barry, J Gail  
 Bruno, Pierre  
 Carter, Jeffrey  
 Christiansen, Lars  
 Dokmo, Cynthia  
 Fields, Dennis  
 Gibson, John  
 Graham, John  
 Hansen, Ryan  
 Jasper, Shawn  
 LaFlamme, Paul  
 McElroy, Henry Jr  
 Milligan, Robert  
 O'Brien, Lori  
 Reeves, Sandra  
 Slocum, Lee  
 Tate, Joan

Arnold, Thomas Jr  
 Beaton, William  
 Buhlman, David  
 Carter, Mark  
 Coughlin, Pamela  
 Drisko, Richard  
 Fletcher, Richard  
 Gonzalez, Carlos  
 Greenberg, Gary  
 Harrington, Paul  
 Kerns, J Edward  
 Lawrence, James  
 McHugh, Claire  
 Mooney, Maureen  
 Ober, Russell III  
 Ross, Lawrence  
 Spiess, Paul  
 Wheeler, James

**MERRIMACK**

Anderson, Eric  
 Field, William  
 Kenison, Leon  
 Lockwood, Priscilla  
 McCormick, Tom  
 Reed, Dennis

Colcord, J D  
 Foley, Albert  
 Kennedy, Richard  
 MacKay, James  
 Nutter, Edward

Currier, David  
 Hager, Elizabeth  
 Langer, Ray  
 Marple, Richard  
 Oliver, James

Dunne, Christopher  
 Hess, David  
 Leber, William  
 Maxfield, Roy  
 Ouellette, Robert

**ROCKINGHAM**

Allen, Mary  
 Camm, Kevin  
 Dalrymple, Janeen  
 Dumaine, Dudley  
 Flayhan, Mary Lou  
 Gleason, John  
 Headd, James  
 Introne, Robert  
 Katsakiores, George  
 Letourneau, Robert  
 McMahon, Charles  
 O'Neil, Michael  
 Rausch, James  
 Smith, Paul  
 Weare, E Albert  
 Wiley, Robert

Belanger, Ronald  
 Carson, Sharon  
 Dearborn, Bruce  
 Dupuis, Roland  
 Francoeur, Sheila  
 Gould, Kenneth  
 Holland, James Jr  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Major, Norman  
 Moore, Benjamin  
 Packard, Sherman  
 Roessner, Kurt  
 Stone, Joseph  
 Welch, David  
 Zolla, William

Bicknell, Elbert  
 Clark, Vivian  
 Dodge, Robert  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Robert  
 Kobel, Rudolph  
 Manning, John  
 Morris, Richard  
 Priestley, Anne  
 Scamman, Stella  
 Tufts, J Arthur  
 Weldy, Norman Jr

Bishop, Franklin  
 Cooney, Richard  
 Doyle, Christopher  
 Flanders, John Sr  
 Gilbert, Karl  
 Hamel, Albert  
 Ingram, Russell  
 Johnson, Rogers  
 Langley, Jane  
 McKinney, Betsy  
 Noyes, Richard  
 Putnam, Ed II  
 Smith, Donald  
 Varrell, Thomas  
 Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
 Campbell, W Packy  
 Harrington, Michael  
 Twombly, James

Bemis, Alan  
 Cataldo, Sam  
 Musler, George  
 Woods, Phyllis

Bickford, David  
 Dunlap, Patricia  
 Newton, Clifford

Callaghan, Frank  
 Easson, Timothy  
 Scott, David

**SULLIVAN**

Jones, Constance

Leone, Richard

**NAYS 134****BELKNAP**

Allen, Janet

Fitzgerald, James



**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Tilton, Anna	Webber, Amy	Weed, Charles

**COOS**

Brady, Mark	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Hammond, Lee	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter		

**HILLSBOROUGH**

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Desmarais, Vivian	Gorman, Mary	Hagan, Barbara	Haley, Robert
Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel
Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Lasky, Bette	Lefebvre, Roland	Malloy, Chris	Messier, Irene
Movsesian, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

**ROCKINGHAM**

Blanchard, MaryAnn	Bridle, Russell	Casey, Kimberley	Coes, Betsy
Corbin, Corey	DiFruscia, Anthony	Gillick, Thomas	Hughes, Daniel
Langone, John	McCann, Richard	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Vallone, Matthew	Winchell, George

**STRAFFORD**

Berube, Roger	Creteau, Irene	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra

and the majority report was adopted.

Rep. Naro declared a conflict of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Pelletier requested that his protest be entered on the Journal.

Under Part Second, Article 24 of the New Hampshire Constitution, I hereby register my protest of the vote of the New Hampshire House of Representatives by which it passed SB 76, relative to the process of non-renewal of teacher contracts and to have this protest entered on the journal of these proceedings. SB 76 represents an unwarranted and unprecedented intrusion of the state into local control especially whereby it stipulates that non-renewal decisions shall not be subject to binding arbitration and where such a provision exists in collective bargaining agreements, upon their expiration, that provision may never be included in future agreements.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Alger moved that the House reconsider its action whereby it voted **SB 76**, relative to the process for nonrenewal of teacher contracts, Ought To Pass, and spoke against.

Reconsideration failed.

### REGULAR CALENDAR (CONT'D.)

**SB 123**, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howard C. Dickinson for the Majority of Election Law: The majority of the committee felt that this study commission was a duplicate of the voter/official educational and training process mandated by the Help America Vote Act (HAVA) and currently being developed as an ongoing program that will take place starting this summer and fall of this year. Yet, the amended version of SB 123 would not even have a preliminary report until December 01, 2004. It is important to move HAVA along in a schedule that meets federal law. All the provisions of SB 123 were composed prior to the passage of the Help America Vote Act. So, with the advent of HAVA, SB 123 is preempted as its contents are being addressed under HAVA. As of this date, New Hampshire has complied with the federal requirements and thus recently received the first \$5,000,000 installment to the election fund in the state treasury. We should not delay the process by calling for parallel study of a program that should and will be underway by the election of September–November 2004. Vote 6-5.

Rep. Charles F. Weed for the Minority of Election Law: The bipartisan minority is concerned that leaving the education of voters and election officials to the unfolding of the implementation of the Help America Vote Act leaves this required education effort in a state of limbo. Although we recognize there is an advisory state plan committee, the draft preliminary state plan appears to leave education of voters and election officials to the secretary of state. Whereas the commission in SB 123 would have included 8 members of both parties from the House and the Senate to make recommendation regarding electoral education compliant with campaign practices law, and the establishment of a “clean” elections board. Rep. Weed spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 223 NAYS 113**

### YEAS 223

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Lawton, David  
Wendelboe, Fran

Allen, Janet  
Fitzgerald, James  
Pilliod, James  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boyce, Laurie  
Laflam, Robert  
Russell, David

### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark

Dickinson, Howard  
Morrow, Harry

### CHESHIRE

Dexter, Judson  
Liebl, George

Fish, Douglas  
Manning, Joseph

Hunt, John  
Royce, H Charles

Laurent, John  
Smith, Edwin

**COOS**

Brady, Mark	Guay, Lawrence	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Brundige, Robert	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gargas, Carolyn
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Greenberg, Gary	Hagan, Barbara	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Holden, Randolph
Infantine, William	Jasper, Shawn	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lawrence, James	Leach, Edward
Luebker, Bernard	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mooney, Maureen
Moran, Edward	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Spiess, Paul	Stepanek, Stephen	Sullivan, Jeffrey
Tahir, Saghir	Tate, Joan	Wheeler, James	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Currier, David	Field, William	Foley, Albert
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Kenison, Leon
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Nutter, Edward	Oliver, James	Ouellette, Robert

**ROCKINGHAM**

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dumaine, Dudley
Dupuis, Roland	Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou
Francoeur, Sheila	Gilbert, Jeffrey	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Matthew	Rausch, James
Roessner, Kurt	Scamman, Stella	Smith, Donald	Smith, Paul
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Cataldo, Sam	Dunlap, Patricia	Easson, Timothy	Harrington, Michael
Musler, George	Newton, Clifford	Scott, David	

**SULLIVAN**

Flint, Gordon Sr

Leone, Richard

**NAYS 113  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**Allen, Peter  
Espiefs, Peter  
Pratt, John  
Tilton, AnnaBatchelder, Robert  
Mitchell, McKim  
Richardson, Barbara  
Webber, AmyDunn, James  
Parkhurst, Henry  
Robertson, Timothy  
Weed, CharlesEaton, Daniel  
Pratt, Irene  
Slack, Pamela**COOS**

Poulin, Richard

Theberge, Robert

**GRAFTON**Akins, Ralph  
Densmore, Edward  
Nordgren, SharonAlmy, Susan  
Diamond, Estelle  
Scovner, NancyBenn, Bernard  
Ham, Bonnie  
Sokol, HildaCooney, Mary  
Hammond, Lee  
Solomon, Peter**HILLSBOROUGH**Baroody, Benjamin  
Clayton, William  
Craig, James  
Haley, Robert  
Konys, Christine  
Lefebvre, Roland  
Pappas, Christopher  
Sullivan, FrancisBeaton, William  
Clemons, Jane  
Dionne, Kimberley  
Irwin, Anne-Marie  
Kopka, Angeline  
Malloy, Chris  
Pilotte, Maurice  
Sullivan, PeterBrassard, Paul  
Cote, David  
Elliott, Larry  
Jean, Claudette  
Kudalis, Debra  
Movesian, Lori  
Schulze, Joan  
Sweeney, CynthiaBuckley, Raymond  
Cote, Peter  
Gorman, Mary  
Katsiantonis, Thomas  
Lasky, Bette  
Palangas, Eric  
Shaw, Barbara**MERRIMACK**Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Owen, Derek  
Wallner, Mary JaneBouchard, Candace  
DeJoie, John  
Hamm, Christine  
Perkins, RandyBrueggemann, Donald  
DeStefano, Stephen  
Jacobson, Alf  
Potter, FrancesClarke, Claire  
French, Barbara  
Osborne, Jessie  
Rush, Deanna**ROCKINGHAM**Blanchard, MaryAnn  
Norelli, Terie  
Splaine, JamesCasey, Kimberley  
Pitts, Jacqueline  
Vallone, MatthewCoes, Betsy  
Robertson, CarlMcEachern, Paul  
Shultis, Elizabeth**STRAFFORD**Berube, Roger  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Wall, JanetCreteau, Irene  
Johnson, Nancy  
Miller, Joseph  
Smith, MarjorieGrassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Spang, JudithHeon, Richard  
Keans, Sandra  
Rous, Emma  
Taylor, Kathleen**SULLIVAN**Burling, Peter  
Franklin, Peter  
Phinzy, JamesCloutier, John  
Harris, JosephDonovan, Thomas  
Harris, SandraFerland, Brenda  
Jones, Constance

and the majority report was adopted.

**Third reading and final passage**

Reps. Hess and Burling moved that, without objection, all bills ordered to third reading by this time during this session day be read a third time by this motion, that titles be the same as adopted, and that they be passed at the present time.

Adopted.

**SB 16-FN**, establishing the governor's incentive and reward program.

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces.

**SB 46-FN**, repealing the meat inspection account and the poultry inspection account.

**SB 58-FN-A**, relative to the net operating loss under the business profits tax..

**SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor.

**SB 80**, relative to vocational education and the automotive technology curriculum.

**SB 85-FN**, making certain revisions to the special education laws.

**SB 86-FN**, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

**SB 90-FN**, increasing the cap for relocation assistance for businesses in eminent domain proceedings.

**SB 179-FN-A**, relative to positions in the banking department.

**SB 197-FN**, relative to extended unemployment benefits and making an appropriation therefor.

**SB 77**, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters.

**SB 21**, relative to health insurance riders.

**SB 110**, relative to small group health insurance coverage.

**SB 76**, relative to the process for nonrenewal of teacher contracts.

The House recessed at 12:55 p.m.

## RECESS

### (Speaker Chandler in the Chair)

The Speaker reconvened the House at 2:00 p.m.

## SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.

The President appointed Sens. Roberge, Peterson and Foster.

**HB 287**, establishing a professional malpractice claims study commission.

The President appointed Sens. Prescott, Martel and Cohen.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent.

The President appointed Sens. Clegg, Sapareto and Foster.

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care.

The President appointed Sens. Flanders, Martel and Cohen.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard.

The President appointed Sens. Kenney, Morse and Below.

**HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

The President appointed Sens. Prescott, Kenney and Estabrook.

**HB 590-FN**, relative to highway fund budget reporting requirements.

The President appointed Sens. D'Allesandro, Clegg and Gallus.

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

The President appointed Sens. Roberge, Barnes and Larsen.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes.

The President appointed Sens. Boyce, O'Hearn and Larsen.

**HB 680-FN**, establishing a committee to study service contracts and repealing the law regarding legal services insurance.

The President appointed Sens. Clegg, Foster and Roberge.

**HB 718-FN**, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

The President appointed Sens. Peterson, Roberge and Foster.

**HB 798**, relative to gifts by fiduciaries.

The President appointed Sens. Flanders, Barnes and D'Allesandro.

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers.

The President appointed Sens. Flanders, Barnes and Foster.

## **REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 524-FN**, relative to the annulment of certain domestic violence offenses.

## **NONCONCURS WITH AMENDMENT**

### **REQUESTS COMMITTEE OF CONFERENCE**

**SB 120**, relative to testimony by video teleconference in criminal cases.

The President appointed Sens. Peterson, Clegg and Foster.

Rep. Welch moved that the House accede.

The Speaker appointed Reps. Stevens, Nedeau, Tholl and Timothy Robertson.

**SB 87**, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

The President appointed Sens. Johnson, Barnes and Cohen.

Rep. Musler moved that the House accede.

The Speaker appointed Reps. Babson, Williams, Phinizy and Ahern.

**SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

The President appointed Sens. Clegg, Prescott and Cohen.

Rep. O'Neil moved that the House accede.

The Speaker appointed Reps. O'Neil, Dexter, Paul LaFlamme and DeJoie.

**SB 134**, relative to the regulation of real estate brokers by the real estate commission.

The President appointed Sens. Gallus, Roberge and Larsen.

Rep. O'Neil moved that the House accede.

The Speaker appointed Reps. O'Neil, Zolla, Paul LaFlamme and Fitzgerald.

**SB 154**, relative to landlord access to rental properties.

The President appointed Sens. Sapareto, Roberge and Larsen.

Rep. Mock moved that the House accede.

The Speaker appointed Reps. Craig, Woods, Lasky and Mock.

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes.

The President appointed Sens. Boyce, Green and Below.

Rep. Patten moved that the House accede.

The Speaker appointed Reps. Patten, Stohl, Twombly and Theberge.

**SB 155**, establishing a commission to study issues relative to water withdrawals.

The President appointed Sens. Johnson, Prescott and Below.

Rep. Royce moved that the House accede.

The Speaker appointed Reps. Richard Cooney, D. L. Christensen, Charles Laflamme and Spang.

## **REGULAR CALENDAR (CONT'D.)**

**SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester. **INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Dodge for Finance: The committee has compassion for the City of Manchester's plight. However, since the Department of Revenue Administration does have rules to be followed to recoup taxes that have been paid inappropriately, the committee feels that this is an issue that should be handled at the local level under the existing rules. Vote 12-6.

Reps. Infantine and Pepino spoke against.

Rep. Peter Sullivan spoke against and yielded to questions.

Rep. Dodge spoke in favor and yielded to questions.

### LAID ON THE TABLE

Rep. Pepino moved that **SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester, be laid on the table.

On a division vote, 183 members having voted in the affirmative and 152 in the negative, the motion was adopted.

### REGULAR CALENDAR (CONT'D.)

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill reflects the advances in technology of the vapor recovery systems now installed at all gasoline stations. A one percent shrinkage allowance for evaporation is now paid to all retail gasoline dealers. The tax is collected from the wholesaler, so the allowance is a rebate to the retailer. This amount is close to one million dollars across the state. Reduction of the one percent to three-quarters of one percent means almost \$250,000 gain in revenue to the highway fund. A multi-part amendment added by the committee adds revenue to the highway fund and assigns that revenue to specific 2003 budget shortfalls. One million in revenue is added by taking \$200,000 from the fuel oil discharge cleanup fund; \$700,000 from the motor oil discharge cleanup fund; and \$100,000 from the oil pollution control fund. Of this million dollars, \$600,000 is appropriated to the highway bridge betterment fund, \$200,000 for state police overtime, and \$200,000 to purchase highway enforcement equipment. The three funds will be left with sufficient operating cash. The highways have been damaged by the winter weather, and the state police have already served the overtime, but would otherwise be required to substitute compensatory time. Vote 13-6.

#### Amendment (1817h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel, relative to a transfer of funds to the highway fund, and relative to oil import and underground storage facility fees.

Amend the bill by replacing all after section 1 with the following:

#### 2 Transfer of Funds; Appropriations.

I. Notwithstanding any other provision of law, the sum of \$200,000 is hereby transferred from the fuel oil discharge cleanup fund established in RSA 146-E:3 to the highway fund.

II. Notwithstanding any other provision of law, the sum of \$700,000 is hereby transferred from the motor oil discharge cleanup fund established in RSA 146-F:3 to the highway fund.

III. Notwithstanding any other provision of law, the sum of \$100,000 is hereby transferred from the New Hampshire oil pollution control fund established in RSA 146-A:11-a to the highway fund.

IV. The sum of \$600,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the highway and bridge betterment account established in RSA 235:23-a. Said appropriation shall be a charge against the highway fund.

V. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of compensating state police officers for overtime worked. Said appropriation shall be a charge against the highway fund.

VI. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of purchasing highway enforcement equipment. Said appropriation shall be a charge against the highway fund.

#### 3 Oil Import Fee. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than

New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ~~[\$5.00+]~~ **\$.00125** per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety, ~~[and then deposited by]~~ **The department of safety shall deposit the first \$100,000 of fees paid in each fiscal year into the general fund. The remainder shall be deposited into the oil pollution control fund administered by the department of environmental services.** Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

4 Interest Assessed on Overdue Oil Import Fees. Amend RSA 146-A:11-b, IV to read as follows:

IV. Every person who imports or causes to be imported oil shall file a monthly report for the preceding month and shall include all fees due for that reporting period with the department of safety on or before the twentieth day of the following calendar month. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for that month. If no fees are due, a penalty of \$1 per day shall be assessed. Said penalty shall immediately accrue and thereafter the overdue fees and the penalty shall bear interest at the rate established by the ~~[Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent]~~ **commissioner of safety under RSA 260:40-a.** The department may waive all or any portion of penalties or interest for good cause.

5 Underground Storage Facility Permit. Amend RSA 146-C:4, II to read as follows:

II. The department shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years; ~~except as provided in paragraph III].~~

6 Repeal. The following are repealed:

I. RSA 146-C:4, III, relative to underground storage facility permit fees.

II. RSA 146-C:9, IX, relative to collection of underground storage facility permit fees.

7 Effective Date.

I. Sections 1 and 3-6 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Modifies the eligibility and procedures for road toll refunds based on shrinkage or loss by evaporation of motor fuel.

II. Transfers a total of \$1,000,000 from certain dedicated funds to the highway fund and makes certain appropriations from the highway fund.

III. Increases the oil import license fee, changes the rate of interest assessed on overdue oil import fees, and repeals underground storage facility permit fees.

IV. Allocates the first \$100,000 of oil import license fees paid in each fiscal year to the general fund.

Rep. Timothy Robertson spoke against and yielded to questions.

Reps. Holbrook and Weyler spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

**YEAS 179 NAYS 146**

#### YEAS 179

#### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boyce, Laurie  
Lallam, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Wendelboe, Fran

#### CARROLL

Brown, Carolyn  
McConkey, Mark  
Philbrick, Donald

Derby, Mark  
Merrow, Harry  
Stevens, Stanley

Hatch, Paul  
Mock, Henry

Kenney, Bettie  
Patten, Betsey



**CHESHIRE**

Dexter, Judson  
Laurent, John

Eaton, Daniel  
Liebl, George

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

**COOS**

Guay, Lawrence  
Woodward, David

King, Frederick

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Solomon, Peter

Barker, Robert  
Giuda, Robert  
Sorg, Gregory

Dorsett, Andrew  
Ingbretson, Paul

Dudley, Terri  
Naro, Debra

**HILLSBOROUGH**

Adams, Jarvis  
Bergeron, Jean-Guy  
Carter, Jeffrey  
Dionne, Kimberley  
Fields, Dennis  
Goulet, Maurice  
Hansen, Ryan  
Kurk, Neal  
Mercer, Robert  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Wheeler, Robert

Allan, Nelson  
Brundige, Robert  
Chabot, Robert  
Dokmo, Cynthia  
Furman, Christine  
Greenberg, Gary  
Infantine, William  
Leach, Edward  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee

Balboni, Michael  
Buhlman, David  
Christensen, D L Chris  
Drisko, Richard  
Gargas, Carolyn  
Hall, Charles  
Jasper, Shawn  
Luebker, Bernard  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Stepanek, Stephen

Beaton, William  
Carlson, Donald  
Coughlin, Pamela  
Elliott, Larry  
Gonzalez, Carlos  
Hallyburton, Margaret  
Johnson, Lionel  
McHugh, Claire  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Sullivan, Jeffrey

**MERRIMACK**

Anderson, Eric  
Hager, Elizabeth  
Kennedy, Richard  
Marple, Richard

Currier, David  
Hess, David  
L'Heureux, Stephen  
Nutter, Edward

Field, William  
Jacobson, Alf  
Leber, William  
Oliver, James

Foley, Albert  
Kenison, Leon  
MacKay, James

**ROCKINGHAM**

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Gillick, Thomas  
Holland, James Jr  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
Putnam, Ed II  
Smith, Paul  
Weare, E Albert  
Winchell, George

Bishop, Franklin  
Cooney, Richard  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Rausch, James  
Stone, Joseph  
Welch, David  
Zolla, William

Bridle, Russell  
Dalrymple, Janeen  
Doyle, Christopher  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
O'Neil, Michael  
Roessner, Kurt  
Tufts, J Arthur  
Weldy, Norman Jr

Camm, Kevin  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Priestley, Anne  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Cataldo, Sam  
Newton, Clifford

Bemis, Alan  
Dunlap, Patricia  
Twombly, James

Berube, Roger  
Easson, Timothy  
Woods, Phyllis

Bickford, David  
Musler, George

**SULLIVAN**

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Leone, Richard

**NAYS 146****BELKNAP**

Pilliod, James

**CARROLL**

Babson, David Jr

Dickinson, Howard

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, John  
Webber, Amy

Batchelder, Robert  
Mitchell, McKim  
Richardson, Barbara  
Weed, Charles

Dunn, James  
Parkhurst, Henry  
Robertson, Timothy

Espiefs, Peter  
Pratt, Irene  
Tilton, Anna

**COOS**

Brady, Mark

Poulin, Richard

Richardson, Herbert

Theberge, Robert

**GRAFTON**

Akins, Ralph  
Densmore, Edward  
Hammond, Lee  
Sokol, Hilda

Almy, Susan  
Diamond, Estelle  
Maybeck, Margie  
Williams, Burton

Benn, Bernard  
Gionet, Edmond  
Nordgren, Sharon

Cooney, Mary  
Ham, Bonnie  
Scovner, Nancy

**HILLSBOROUGH**

Allen, Timothy  
Barry, J Gail  
Carter, Mark  
Cote, David  
Fletcher, Richard  
Graham, John  
Irwin, Anne-Marie  
Kopka, Angeline  
Lasky, Bette  
McRae, Karen  
Pappas, Christopher  
Spiess, Paul  
Tahir, Saghir

Arnold, Thomas Jr  
Brassard, Paul  
Christiansen, Lars  
Cote, Peter  
Gibson, John  
Haley, Robert  
Jean, Claudette  
Kudalis, Debra  
Lawrence, James  
Messier, Irene  
Pilotte, Maurice  
Sullivan, Francis  
Wheeler, James

Artz, Lawrence  
Bruno, Pierre  
Clayton, William  
Craig, James  
Gorman, Mary  
Hawkins, Ken  
Katsiantonis, Thomas  
L'Heureux, Robert  
Lefebvre, Roland  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Crane, Elenore Casey  
Goyette, Peter Jr  
Holden, Randolph  
Konys, Christine  
LaFlamme, Paul  
Malloy, Chris  
Palangas, Eric  
Shaw, Barbara  
Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace  
DeJoie, John  
Hamm, Christine  
Osborne, Jessie  
Potter, Frances  
Wallner, Mary Jane

Bueggemann, Donald  
DeStefano, Stephen  
Langer, Ray  
Ouellette, Robert  
Rush, Deanna

Clarke, Claire  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria

Davis, Frank  
Gile, Mary  
Maxfield, Roy  
Perkins, Randy  
Soltani, Tony

**ROCKINGHAM**

Bicknell, Elbert  
Clark, Vivian  
Dupuis, Roland  
Norelli, Terie  
Shultis, Elizabeth

Blanchard, MaryAnn  
Coes, Betsy  
Flayhan, Mary Lou  
Packard, Sherman  
Smith, Donald

Cady, Harriet  
Corbin, Corey  
Gould, Kenneth  
Quandt, Matthew  
Vallone, Matthew

Casey, Kimberley  
Dumaine, Dudley  
McEachern, Paul  
Robertson, Carl

**STRAFFORD**

Campbell, W Packy  
Johnson, Nancy  
Schmidt, Peter  
Vachon, Dennis

Creteau, Irene  
Keans, Sandra  
Smith, Marjorie  
Wall, Janet

Harrington, Michael  
Knowles, William  
Spang, Judith

Hofemann, Roland  
Rollo, Deanna  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Franklin, Peter

Cloutier, John  
Jones, Constance

Donovan, Thomas  
Phinizy, James

Ferland, Brenda

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Scott did not vote and wished to be recorded against.

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This is an important community development bill. It potentially costs the state up to \$825,000 in business tax credits each year, cumulating to a maximum of \$3.3 million in the fourth year, but it is the committee's belief that it will encourage business growth that will eventually result in more revenue. It should immediately aid in the creation of new jobs. The amendment simply removes a sentence that would have added the Fiscal Committee to the rule making process and says the Fiscal Committee will receive a report. Vote 18-1.

**Amendment (1757h)**

Amend RSA 162-N:8 as inserted by section 2 of the bill by replacing it with the following:

162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

I. Establishment and certification of CROP zones.

II. Criteria for and approval of projects in CROP zones, including jobs per dollar thresholds.

III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the CROP zone.

Amend RSA 162-N:9 as inserted by section 2 of the bill by replacing it with the following:

162-N:9 Reports. The commissioner of resources and economic development shall furnish a report annually to the governor, the senate president, the speaker of the house, and the fiscal committee which describes the results of the CROP zone program, and shall include any recommendations for further legislation regarding CROP zones.

Adopted.

Report adopted and ordered to third reading.

**SB 107-FN-A-L**, establishing a statewide education accountability system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The concept of accountability for our public schools has been well supported in the past year by the NH House of Representatives. The former governor vetoed those bills after they passed the legislature. Our present governor agrees with educational accountability and the federal No Child Left Behind Act (NCLBA) also requires it. Further, that act requires annual testing, a measurement tool that was not available to us previously. The committee amended the funding source to substitute federal funds for general funds. The NCLBA allows flexibility in the funds provided, to a greater extent than earlier grants. The House also supported HB 786 by a wide majority. That bill was to assure that New Hampshire would only participate in NCLBA to the extent that each of its parts were federally funded. Its text is added to SB 107 as an amendment at the request of the House Education Committee. Vote 13-6.

**Amendment (1840h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a statewide education accountability system and relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

Amend RSA 193-C:9 as inserted by section 5 of the bill by replacing it with the following:

## 193-C:9 Local Education Improvement and Assessment; Funding.

I. The department of education is authorized to use any amounts appropriated for any of the following purposes:

- (a) To support and administer the local education improvement plan program.
- (b) To collect, analyze, and report the demographic and educational improvement data.
- (c) To assist local school staff with the analysis and use of school performance data.
- (d) To provide grants as available to school districts for local school improvement.
- (e) To provide a system of annual recognition to identify best practices and promote school improvement.

II. The priority for the use of any funds under this section shall be given to lower-performing schools.

Amend the bill by replacing all after section 7 with the following:

8 New Program Appropriation Unit; Department of Education; School Accountability. Amend HB 1-A of the 2003 legislative session by inserting after PAU 06, 03, 02, 02, 04 the following:

## 06 EDUCATION

## 03 DEPARTMENT OF EDUCATION

## 02 OFFICE OF THE DEP COMMISSIONER

## 02 FINANCIAL AID TO DISTRICTS- ST.

## 05 SCHOOL ACCOUNTABILITY

90 SCHOOL ACCOUNTABILITY	394,000	394,000
--------------------------	---------	---------

TOTAL	394,000	394,000
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## ESTIMATED SOURCE OF FUNDS

## FOR SCHOOL ACCOUNTABILITY

00 FEDERAL FUNDS	394,000	394,000
------------------	---------	---------

TOTAL	394,000	394,000
-------	---------	---------

9 Department of Education; Drug Free Schools; Class Line 93 Amended. Amend PAU 06, 03, 03, 01, 05, 93 of HB 1-A of the 2003 legislative session by making the following changes and changing subtotals and totals as hereinafter specified to reflect the following changes:

Strike out:

93 GRANTS TO LEA'S	3,716,339	4,700,000
--------------------	-----------	-----------

TOTAL	3,980,718	4,979,747
-------	-----------	-----------

ESTIMATED SOURCE OF FUNDS FOR  
DRUG FREE SCHOOLS

00 FEDERAL FUNDS	3,980,718	4,979,747
------------------	-----------	-----------

TOTAL	3,980,718	4,979,747
-------	-----------	-----------

Insert in place thereof:

93 GRANTS TO LEA'S	3,322,339	4,306,000
--------------------	-----------	-----------

TOTAL	3,586,718	4,585,747
-------	-----------	-----------

ESTIMATED SOURCE OF FUNDS FOR  
DRUG FREE SCHOOLS

00 FEDERAL FUNDS	3,586,718	4,585,747
------------------	-----------	-----------

TOTAL	3,586,718	4,585,747
-------	-----------	-----------

10 Purpose. The federal No Child Left Behind Act (NCLBA) of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with other federal laws, NCLBA was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 and section 9527 of NCLBA which curb the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the NCLBA and that school districts also prohibited from such expenditures.

11 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision:

## Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001 (NCLBA).

II. A school district or other political subdivision may, upon a majority vote of its legislative body, be exempt from all state administrative rules or regulations of any kind, adopted for the purpose of implementing NCLBA if the cost of compliance with such rules or regulations is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with NCLBA until 60 days after the submission of a written report detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing NCLBA shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

12 New Paragraph; Adequate Public Education; Statewide Testing. Amend RSA 193-E:3 by inserting after paragraph II the following new paragraph:

III. The results of any statewide testing required under the No Child Left Behind Act of 2001 shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

13 Report. No later than January 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act of 2001 in the immediately prior fiscal year, and the sources of funding used for such expenses.

14 Severability. If any provision of sections 10-13 of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

15 Contingency. If HB 1-A of the 2003 legislative session is enacted into law, sections 8-9 of this act shall take effect July 1, 2003 at 12:01 a.m. If HB 1-A of the 2003 legislative session is not enacted into law, sections 8-9 of this act shall not take effect.

16 Effective Date.

I. Paragraph II of section 6 of this act shall take effect June 30, 2005.

II. Section 8-9 of this act shall take effect as provided in section 15 of this act.

III. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

II. Prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001 (NCLBA).

III. Allows school districts to exempt themselves from compliance with NCLBA by a majority vote of the legislative body if the cost of compliance is not fully covered by the additional federal funds received by the school district or other political subdivision.

IV. Directs the department of education to ensure that no costs associated with NCLBA shall be included in the calculation of the cost of an adequate education.

V. Requires the department of education to submit a financial report for expenditures and sources of funding to the house and senate education and finance committees on an annual basis.

Adopted.

Report adopted and ordered to third reading.

**SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The current fees for sewage disposal system and subdivision plan review are inadequate to cover the costs of review and compliance. This bill brings the fees up to a level to cover the costs as well as implement the I.T. improvement. It appropriates \$931,000 to cover implementation costs. Subdivision of land goes from \$80 to \$150 per lot, sewage or waste disposal plans go from \$80 to \$140 and combined should produce nearly \$2 million per biennium. Vote 15-2.

#### **Amendment (1650h)**

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$931,000 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005 for the purpose of implementing information technology and regulatory process improvements. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

#### **SB 163-FN, relative to the procedures of the health services planning and review board. OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill reflects the House's position on HB 788 which repeals the Certificate of Need board and transfers a much limited scope of regulation to the Department of Health and Human Services. The committee made several housekeeping changes in the bill as it came from the policy committee. The extension of the nursing home bed moratorium in HB 663 is codified in this bill. The additional federal revenue available due to the transfer to Health and Human Services and the additional function of data analysis were clarified. The policy committee established a three member public advisory committee to be appointed by the Governor. With the policy committee's approval, Finance added approval by the Executive Council. A section was added to further clarify the confidentiality of personal identification in the data collection portion of the bill. Finally, the effective date was changed from July 1, 2003 to upon passage. Vote 13-6.

#### **Amendment (1824h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** transferring the duties of the health services planning and review board, adding a duty to the oversight committee on health and human services, relative to certain health care data, and making an appropriation.

Amend RSA 151-C:4, III(a) as inserted by section 1 of the bill replacing it with the following:

III.(a) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending December 31, 2006, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

Amend RSA 151-C:15 as inserted by section 1 of the bill by replacing it with the following:

151-C:15 Fees.

I.(a) In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. This amount shall be reduced by federal funds available to the department for such purpose. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments. Any acute care hospital, specialty hospital, nursing home, or ambulatory surgical center which does not pay the fee required under this paragraph in a timely manner shall not have its license renewed under RSA 151 until such time as the fee is paid.

(b) The department of health and human services may use a portion of the funds collected under subparagraph (a) for the maintenance of the health care information system under RSA 420-G:11-a.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

Amend RSA 151-C:16, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committee shall consist of 3 public members, appointed by the governor and council. The members shall serve for 3-year terms and until their successors are appointed and qualified; provided, that initially one member shall serve for one year, one member for 2 years, and one member for 3 years. No member of the committee shall serve more than 2 consecutive terms. Geographic diversity shall be maintained.

Amend the bill by replacing section 16 with the following:

16 New Section; Health Care Information System. Amend RSA 420-G by inserting after section 11 the following new section:

420-G:11-a Development of a Comprehensive Health Care Information System. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. User fees shall be assessed for persons and entities requesting data available under this paragraph. Fees collected under this paragraph shall be deposited into the general fund. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

Amend the bill by replacing all after section 17 with the following:

18 Appropriation. The sum of \$200,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2005, for the purposes of the certificate of review process under section 1 of this act and for the purposes of the health care information system under section 16 of this act. This appropriation shall be contingent on the receipt of federal funds in said amount by the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary. This bill allows applicants to be notified by electronic mail.

This bill adds a new duty to the oversight committee on health and human services.

This bill requires the department of health and human services and the insurance department to collect encrypted health insurance claims data and to collaboratively develop a comprehensive health care information system.

This bill also makes an appropriation contingent upon the receipt of certain federal funds to the department of health and human services for the purposes of the bill.

Adopted.

Rep. Sokol spoke against.

Rep. Sandra Harris spoke in favor.

Rep. Clemons requested a roll call, sufficiently seconded.

The question being adoption of the committee report.

## YEAS 237 NAYS 80

### YEAS 237

#### BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Holbrook, Robert	Laflam, Robert	Lawton, David
Nedeau, Stephen	Pilliod, James	Rice, Thomas	Russell, David
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

#### CHESHIRE

Allen, Peter	Dexter, Judson	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Pratt, John
Richardson, Barbara	Royce, H Charles	Smith, Edwin	Webber, Amy

#### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Poulin, Richard
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

#### GRAFTON

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Solomon, Peter	Sorg, Gregory
Williams, Burton			

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Barry, J Gail	Beaton, William
Bergeron, Jean-Guy	Brassard, Paul	Brundige, Robert	Bruno, Pierre
Buhlman, David	Carlson, Donald	Carter, Jeffrey	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Dokmo, Cynthia	Fields, Dennis	Fletcher, Richard
Furman, Christine	Gargas, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hall, Charles	Hallyburton, Margaret	Hansen, Ryan	Holden, Randolph
Infantine, William	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lawrence, James
Leach, Edward	Luebker, Bernard	McHugh, Claire	McRae, Karen
Messier, Irene	Milligan, Robert	Mooney, Maureen	Moran, Edward
Mosher, William	Movsesian, Lori	Ober, Russell III	Pappas, Marc
Price, Pamela	Reeves, Sandra	Rowe, Robert	Scanlon, Michael
Shaw, Barbara	Slocum, Lee	Stepanek, Stephen	Sullivan, Peter
Tahir, Saghir	Wheeler, James		

#### MERRIMACK

Anderson, Eric	Currier, David	Field, William	Foley, Albert
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William



Lockwood, Priscilla  
McCormick, Tom  
Owen, Derek

MacKay, James  
Nutter, Edward  
Seldin, Gloria

Marple, Richard  
Oliver, James

Maxfield, Roy  
Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
Cady, Harriet  
Clark, Vivian  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Vallone, Matthew  
Weldy, Norman Jr

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Priestley, Anne  
Robertson, Carl  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Carson, Sharon  
Corbin, Corey  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Morris, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Weare, E Albert  
Winchell, George

Bridle, Russell  
Casey, Kimberley  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Langone, John  
McEachern, Paul  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Welch, David  
Zolla, William

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Schmidt, Peter  
Woods, Phyllis

Bemis, Alan  
Easson, Timothy  
Scott, David

Bickford, David  
Harrington, Michael  
Spang, Judith

Cataldo, Sam  
Newton, Clifford  
Twombly, James

### SULLIVAN

Cloutier, John  
Harris, Joseph  
Phinizy, James

Donovan, Thomas  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

### NAYS 80

### BELKNAP

Flanders, Donald

None

### CARROLL

### CHESHIRE

Batchelder, Robert  
Mitchell, McKim  
Tilton, Anna

Dunn, James  
Parkhurst, Henry  
Weed, Charles

Eaton, Daniel  
Pratt, Irene

Espieffs, Peter  
Robertson, Timothy

### COOS

None

### GRAFTON

Akins, Ralph  
Densmore, Edward  
Scovner, Nancy

Almy, Susan  
Diamond, Estelle  
Sokol, Hilda

Benn, Bernard  
Hammond, Lee

Cooney, Mary  
Nordgren, Sharon

### HILLSBOROUGH

Baroody, Benjamin  
Cote, David

Buckley, Raymond  
Cote, Peter

Clayton, William  
Dionne, Kimberley

Clemons, Jane  
Drisko, Richard

Elliott, Larry  
Irwin, Anne-Marie  
Kudalis, Debra  
O'Brien, Lori  
Ross, Lawrence  
Wheeler, Robert

Gorman, Mary  
Katsiantonis, Thomas  
Lasky, Bette  
Palangas, Eric  
Schulze, Joan

Haley, Robert  
Kony, Christine  
Lefebvre, Roland  
Pappas, Christopher  
Sullivan, Francis

Hawkins, Ken  
Kopka, Angeline  
Malloy, Chris  
Pilotte, Maurice  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
DeJoie, John  
Osborne, Jessie  
Wallner, Mary Jane

Brueggemann, Donald  
DeStefano, Stephen  
Perkins, Randy

Clarke, Claire  
French, Barbara  
Potter, Frances

Davis, Frank  
Gile, Mary  
Rush, Deanna

### ROCKINGHAM

Blanchard, MaryAnn  
Shultis, Elizabeth

Coes, Betsy

Hughes, Daniel

Norelli, Terie

### STRAFFORD

Berube, Roger  
Keans, Sandra  
Vachon, Dennis

Creteau, Irene  
Knowles, William  
Wall, Janet

Hofemann, Roland  
Smith, Marjorie

Johnson, Nancy  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
and the committee report was adopted.  
Ordered to third reading.

Franklin, Peter

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Amendment printed SJ 6/05/03)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Rep. Burling spoke against.

Rep. Kurk spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the House nonconcur and request a Committee of Conference.

**YEAS 221 NAYS 98**

### YEAS 221

#### BELKNAP

Ahern, Omer Jr  
Fitzgerald, James  
Lawton, David  
Russell, David

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Whalley, Michael

Clark, Charles  
Laflam, Robert  
Rice, Thomas

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Philbrick, Donald

Dickinson, Howard  
Morrow, Harry  
Stevens, Stanley

#### CHESHIRE

Dexter, Judson  
Laurent, John  
Smith, Edwin

Eaton, Daniel  
Liebl, George

Fish, Douglas  
Mitchell, McKim

Hunt, John  
Royce, H Charles

#### COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

King, Frederick

Richardson, Herbert

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie

Alger, John  
Gilman, G Michael  
Ingbertson, Paul

Barker, Robert  
Gionet, Edmond  
Sorg, Gregory

Dorsett, Andrew  
Giuda, Robert  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Bergeron, Jean-Guy  
Carlson, Donald  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Goulet, Maurice  
Hall, Charles  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Allan, Nelson  
Balboni, Michael  
Brundige, Robert  
Carter, Jeffrey  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Goyette, Peter Jr  
Hallyburton, Margaret  
Infantine, William  
L'Heureux, Robert  
Luebker, Bernard  
Messier, Irene  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Tahir, Saghir

Allen, Timothy  
Barry, J Gail  
Bruno, Pierre  
Carter, Mark  
Coughlin, Pamela  
Drisko, Richard  
Furman, Christine  
Graham, John  
Hansen, Ryan  
Jasper, Shawn  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Wheeler, Robert

Arnold, Thomas Jr  
Beaton, William  
Buhlman, David  
Chabot, Robert  
Crane, Elenore Casey  
Elliott, Larry  
Gonzalez, Carlos  
Greenberg, Gary  
Hawkins, Ken  
Johnson, Lionel  
Lawrence, James  
McRae, Karen  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Spiess, Paul

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Oliver, James

Currier, David  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Ouellette, Robert

Field, William  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom  
Wallner, Mary Jane

Foley, Albert  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

**ROCKINGHAM**

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Dupuis, Roland  
Francoeur, Sheila  
Gould, Kenneth  
Ingram, Russell  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Tufts, J Arthur  
Weldy, Norman Jr

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
Dodge, Robert  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Smith, Donald  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
Dalrymple, Janeen  
Doyle, Christopher  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
Priestley, Anne  
Robertson, Carl  
Smith, Paul  
Weare, E Albert  
Winchell, George

Bishop, Franklin  
Carson, Sharon  
Dearborn, Bruce  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Putnam, Ed II  
Roessner, Kurt  
Stone, Joseph  
Welch, David  
Zolla, William

**STRAFFORD**

Albert, Russell  
Cataldo, Sam  
Newton, Clifford  
Woods, Phyllis

Bemis, Alan  
Dunlap, Patricia  
Scott, David

Berube, Roger  
Easson, Timothy  
Smith, Marjorie

Bickford, David  
Harrington, Michael  
Twombly, James

**SULLIVAN**

Donovan, Thomas

Flint, Gordon Sr

Jones, Constance

Leone, Richard

## NAYS 98 BELKNAP

None

## CARROLL

None

## CHESHIRE

Allen, Peter  
Manning, Joseph  
Richardson, Barbara  
Weed, Charles

Batchelder, Robert  
Parkhurst, Henry  
Robertson, Timothy

Dunn, James  
Pratt, Irene  
Tilton, Anna

Espieffs, Peter  
Pratt, John  
Webber, Amy

## COOS

Poulin, Richard

Theberge, Robert

## GRAFTON

Almy, Susan  
Diamond, Estelle  
Scovner, Nancy

Benn, Bernard  
Hammond, Lee  
Sokol, Hilda

Cooney, Mary  
Maybeck, Margie

Densmore, Edward  
Nordgren, Sharon

## HILLSBOROUGH

Baroody, Benjamin  
Clemons, Jane  
Gibson, John  
Jean, Claudette  
Kudalis, Debra  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Brassard, Paul  
Cote, David  
Gorman, Mary  
Katsiantonis, Thomas  
Lasky, Bette  
Palangas, Eric  
Shaw, Barbara  
Wheeler, James

Buckley, Raymond  
Cote, Peter  
Haley, Robert  
Kornys, Christine  
Lefebvre, Roland  
Pappas, Christopher  
Sullivan, Francis

Clayton, William  
Gargas, Carolyn  
Irwin, Anne-Marie  
Kopka, Angeline  
Malloy, Chris  
Pilotte, Maurice  
Sullivan, Peter

## MERRIMACK

Bouchard, Candace  
DeJoie, John  
Hamm, Christine  
Potter, Frances

Brueggemann, Donald  
DeStefano, Stephen  
Osborne, Jessie  
Rush, Deanna

Clarke, Claire  
French, Barbara  
Owen, Derek  
Seldin, Gloria

Davis, Frank  
Gile, Mary  
Perkins, Randy

## ROCKINGHAM

Blanchard, MaryAnn  
Gillick, Thomas  
Shultis, Elizabeth

Casey, Kimberley  
Hughes, Daniel  
Vallone, Matthew

Coes, Betsy  
McEachern, Paul

Corbin, Corey  
Norelli, Terie

## STRAFFORD

Creteau, Irene  
Knowles, William  
Taylor, Kathleen

Hofemann, Roland  
Rollo, Deanna  
Vachon, Dennis

Johnson, Nancy  
Schmidt, Peter  
Wall, Janet

Keans, Sandra  
Spang, Judith

## SULLIVAN

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

Franklin, Peter

and the motion to nonconcur and request a Committee of Conference was adopted.

The Speaker appointed Reps. Kurk, Whalley, Weyler, Rogers Johnson and Wallner. Alternates: Reps. Wendelboe, Emerton, Stone, Major and Marjorie Smith.

Rep. Maybeck voted nay and intended to vote yea.

Rep. Solomon did not vote and wished to be recorded against.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kurk, Weyler, Whalley, Giuda and Wallner. Alternates: Reps. Emerton, Wendelboe, Stone, Rogers Johnson and Marjorie Smith.

**HB 25-FN-A**, making appropriations for capital improvements.

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Edwin Smith, Leber, Rausch, Weyler and Candace Bouchard. Alternates: Reps. Francoeur, Holland, Dodge and Cloutier.

### CONCURRENCES

**SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District.

**SB 113**, changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission.

**SB 119**, relative to medical and hospital liability insurance.

**SB 130-FN-L**, relative to county departments of corrections.

**SB 136**, relative to liability for hazardous materials accidents.

**SB 149-FN**, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud.

**SB 152**, relative to health insurance coverage for prosthetic devices.

**SB 157**, establishing a committee to study certain issues relative to municipal planning.

**SB 162**, establishing a committee to study water resources.

**SB 164**, relative to the unauthorized and deceptive use of a financial institution's name.

**SB 184**, relative to reinsurance and relative to the unclaimed property of a demutualized insurance company.

### REGULAR CALENDAR (CONT'D.)

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: This bill increases the fees charged to insurance companies for motor vehicle records by \$1.00 – from \$7.00 to \$8.00. The increased revenue will pay expenses of the Division of Fire Safety and Emergency Management. The amendment provides that any funds in excess of budgetary amounts will not be spent without the approval of the Fiscal Committee. Vote 16-2.

### Amendment (1676h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to fees for copies of motor vehicle records, relative to the fire standards and training and emergency medical services fund, and relative to the fire standards and training and emergency medical services report and budget.

Amend the bill by replacing section 1 with the following:

1 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing[~~and continually appropriated~~] fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses [as determined by the commissioner of safety] incurred in the administration of the division of fire standards and training, under RSA 21-P:12-a, [and] the division of emergency medical services, under RSA 21-P:12-b, *and the division of fire safety and emergency management, under RSA 21-P:12. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training, the division of emergency medical services, or the division of fire safety and emergency management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.*

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Fire Standards and Training and Emergency Medical Services Report and Budget: Fire Safety and Emergency Management Added. Amend RSA 21-P:12-e to read as follows:

21-P:12-e Fire Standards and Training, ~~and~~ Emergency Medical Services, *and Fire Safety and Emergency Management* Report and Budget.

I. The department of safety shall submit an annual report, ~~[beginning on July 1, 2002]~~ *by October 1 of each year*, to the speaker of the house *of representatives*, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the divisions of fire standards and training, ~~and~~ emergency medical services, *and fire safety and emergency management*, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the budget and revenue projections of ~~[both]~~ *the 3* divisions, the degree of coordination with municipal fire and emergency medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the divisions of fire standards and training, ~~and~~ emergency medical services, *and fire safety and emergency management*, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

### AMENDED ANALYSIS

This bill:

I. Deletes the continual appropriation of the fire standards and training and emergency medical services fund.

II. Authorizes use of the fire standards and training and emergency medical services fund to pay the expenses of administration of the division of fire safety and emergency management.

III. Increases the fee charged to insurance companies and other authorized agents for copies of motor vehicle records.

IV. Adds the division of fire safety and emergency management to the department of safety's fire standards and training and emergency medical services report and budget requirements, and specifies that such reports shall be submitted by October 1 of each year.

This bill is a request of the department of safety.

Adopted.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 206 NAYS 113

#### YEAS 206

##### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Whalley, Michael

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James

Clark, Charles  
Laflam, Robert  
Rice, Thomas

Fitzgerald, James  
Lawton, David  
Russell, David

##### CARROLL

Babson, David Jr  
Hatch, Paul  
Patten, Betsey

Brown, Carolyn  
Kenney, Bettie  
Philbrick, Donald

Derby, Mark  
McConkey, Mark  
Stevens, Stanley

Dickinson, Howard  
Morrow, Harry

##### CHESHIRE

Allen, Peter  
Hunt, John  
Parkhurst, Henry

Dexter, Judson  
Laurent, John  
Royce, H Charles

Eaton, Daniel  
Liebl, George  
Smith, Edwin

Fish, Douglas  
Manning, Joseph

##### COOS

Brady, Mark  
Stohl, Eric

Guay, Lawrence  
Theberge, Robert

King, Frederick  
Tholl, John Jr

Richardson, Herbert

**GRAFTON**

Akins, Ralph  
Dorsett, Andrew  
Ham, Bonnie  
Sokol, Hilda

Almy, Susan  
Dudley, Terri  
Hammond, Lee  
Solomon, Peter

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie  
Williams, Burton

Cooney, Mary  
Giuda, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Allan, Nelson  
Beaton, William  
Bruno, Pierre  
Chabot, Robert  
Drisko, Richard  
Gargas, Carolyn  
Goyette, Peter Jr  
Hallyburton, Margaret  
Katsiantonis, Thomas  
LaFlamme, Paul  
Messier, Irene  
Mosher, William  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Buhlman, David  
Christensen, D L Chris  
Fields, Dennis  
Gibson, John  
Graham, John  
Irwin, Anne-Marie  
Konys, Christine  
Leach, Edward  
Milligan, Robert  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Tahir, Saghir

Artz, Lawrence  
Brassard, Paul  
Carlson, Donald  
Coughlin, Pamela  
Fletcher, Richard  
Gonzalez, Carlos  
Greenberg, Gary  
Jasper, Shawn  
Kurk, Neal  
McHugh, Claire  
Mooney, Maureen  
Pappas, Christopher  
Reeves, Sandra  
Schulze, Joan  
Wheeler, Robert

Barry, J Gail  
Brundige, Robert  
Carter, Mark  
Dokmo, Cynthia  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Johnson, Lionel  
L'Heureux, Robert  
Mercer, Robert  
Moran, Edward  
Pappas, Marc  
Ross, Lawrence  
Spiess, Paul

**MERRIMACK**

Anderson, Eric  
Hess, David  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James

Clarke, Claire  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Perkins, Randy

Currier, David  
Kenison, Leon  
Lockwood, Priscilla  
McCormick, Tom

Field, William  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

**ROCKINGHAM**

Belanger, Ronald  
Camm, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
Morris, Richard  
Rausch, James  
Stone, Joseph  
Welch, David  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
Dearborn, Bruce  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Norelli, Terie  
Roessner, Kurt  
Tufts, J Arthur  
Weldy, Norman Jr

Blanchard, MaryAnn  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
McCann, Richard  
O'Neil, Michael  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Francoeur, Sheila  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Rogers  
Langone, John  
McKinney, Betsy  
Priestley, Anne  
Smith, Donald  
Weare, E Albert  
Winchell, George

**STRAFFORD**

Bemis, Alan  
Creteau, Irene  
Schmidt, Peter  
Twombly, James

Berube, Roger  
Dunlap, Patricia  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Johnson, Nancy  
Spang, Judith

Cataldo, Sam  
Knowles, William  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Leone, Richard

Donovan, Thomas

Ferland, Brenda

Flint, Gordon Sr

**NAYS 113****BELKNAP**

Ahern, Omer Jr

Wendelboe, Fran

**CARROLL**

Mock, Henry

**CHESHIRE**

Batchelder, Robert  
Pratt, Irene  
Webber, Amy

Dunn, James  
Richardson, Barbara  
Weed, Charles

Espiefs, Peter  
Robertson, Timothy

Mitchell, McKim  
Tilton, Anna

**COOS**

Poulin, Richard

**GRAFTON**

Alger, John  
Gionet, Edmond

Benn, Bernard  
Ingretson, Paul

Densmore, Edward  
Scovner, Nancy

Diamond, Estelle  
Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
Buckley, Raymond  
Clemons, Jane  
Dionne, Kimberley  
Hansen, Ryan  
Jean, Claudette  
Lawrence, James  
McRae, Karen  
Shaw, Barbara  
Sweeney, Cynthia

Allen, Timothy  
Carter, Jeffrey  
Cote, David  
Elliott, Larry  
Hawkins, Ken  
Kopka, Angeline  
Lefebvre, Roland  
Movsesian, Lori  
Slocum, Lee  
Wheeler, James

Balboni, Michael  
Christiansen, Lars  
Cote, Peter  
Gorman, Mary  
Holden, Randolph  
Kudalis, Debra  
Luebker, Bernard  
Ober, Russell III  
Sullivan, Francis

Baroody, Benjamin  
Clayton, William  
Crane, Elenore Casey  
Haley, Robert  
Infantine, William  
Lasky, Bette  
Malloy, Chris  
Palangas, Eric  
Sullivan, Peter

**MERRIMACK**

Bouchard, Candace  
DeStefano, Stephen  
Hamm, Christine  
Potter, Frances

Brueggemann, Donald  
Foley, Albert  
Langer, Ray  
Rush, Deanna

Davis, Frank  
French, Barbara  
Osborne, Jessie  
Seldin, Gloria

DeJoie, John  
Gile, Mary  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Allen, Mary  
Coes, Betsy  
Flayhan, Mary Lou  
McEachern, Paul  
Quandt, Matthew  
Vallone, Matthew

Bicknell, Elbert  
Corbin, Corey  
Gilbert, Karl  
McMahon, Charles  
Robertson, Carl

Cady, Harriet  
Doyle, Christopher  
Itse, Daniel  
Packard, Sherman  
Shultis, Elizabeth

Casey, Kimberley  
Dupuis, Roland  
Langley, Jane  
Putnam, Ed II  
Smith, Paul

**STRAFFORD**

Albert, Russell  
Keans, Sandra  
Vachon, Dennis

Easson, Timothy  
Newton, Clifford  
Woods, Phyllis

Harrington, Michael  
Rollo, Deanna

Hofemann, Roland  
Scott, David

**SULLIVAN**

Cloutier, John  
Jones, Constance

Franklin, Peter  
Phinzy, James

Harris, Joseph

Harris, Sandra

and the committee report was adopted.  
Ordered to third reading.

**SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The committee considered and debated existing and proposed legislation concerning property tax exemptions and credits having to do with veterans, the elderly and the disabled. The original SB 45 had all the exemptions and credits in RSA 72 in one bill instead of the separate bills that were passed by the House: HB 108 - relative to the adoption of an optional veterans' property tax credit; HB 424 - relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions; HB 466 - relative to the adoption procedure for property tax exemptions and



credits; and HB 467 - allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits. Currently there are differences in the enactment procedures for all exemptions and credits. The committee researched this issue and determined that having a uniform enactment procedure for adopting or modifying property tax exemptions or credits in RSA 72 would simplify the procedure at the local level. Throughout SB 45, these enactment procedures are referenced and codified. The filing date for exemptions and credits has been changed from March 1 or August 15 prior to the setting of the tax rate to April 15 preceding the setting of the tax rate. This bill enables the political subdivisions to increase the optional veterans tax credits from \$51 up to \$500, the optional service-connected total disabled veterans tax credit from \$701 up to \$2,000 and states that it is either the standard or the optional tax credit that the veteran can receive, not both. This bill also lowers the residency requirement for a disabled person applying for a deferral of property taxes from five years to one year. This bill also enables the political subdivisions to change the elderly exemption income and asset requirement by allowing differing age groups to have different assets and income. This amendment is a conscientious effort to codify and clarify this complicated subject regarding exemptions, credits and deferrals Vote 15-0.

### **Amendment (1831h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the adoption procedure, eligibility, and amounts of property tax exemptions and credits and the property tax deferral program.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Procedure for Adoption, Modification, or Recission. Amend RSA 72 by inserting after section 27 the following new section:

72:27-a Procedure for Adoption, Modification, or Recission.

I. Any town or city may adopt the optional provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount or such exemption or credit, and the manner of its determination, as listed in paragraph I. The exemption or credit shall take effect in the tax year beginning April 1 following its adoption.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

2 Veterans' Tax Credit; Optional Credit Changed. RSA 72:28 is repealed and reenacted to read as follows:

72:28 Standard and Optional Veterans' Tax Credit.

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) "Spanish War" between April 21, 1898 and April 11, 1899;

(b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;

(c) "Boxer Rebellion" between June 16, 1900 and May 2, 1901;

(d) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(e) "World War II" between December 7, 1941 and December 31, 1946;

(f) "Korean Conflict" between June 25, 1950 and January 31, 1955;

(g) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(h) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; and

(i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

3 Veterans' Credit; Surviving Spouse; Reference Changed. Amend RSA 72:29-a, II to read as follows:

II. Upon the adoption of this paragraph by a city or town as provided in RSA ~~[72:29-b]~~ 72:27-a, the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount ~~[of \$1,400]~~ from \$701 up to \$2,000 for the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the same municipality where the surviving spouse is a resident.

4 Reference Changed; Proration of Credit. Amend RSA 72:30 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted a tax credit in proportion to his *or her* interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, *I or II* ~~[or V]~~, except as provided in RSA 72:31.

5 Reference Changed; Husband and Wife. Amend RSA 72:31 to read as follows:

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, *I or II* ~~[and V]~~.

6 Application for Exemptions or Tax Credits; Filing Date Changed in 2005. Amend RSA 72:33 to read as follows:

72:33 Application for Exemption or Tax Credit.

I. ~~[Except as provided in RSA 72:33-b;]~~ No person shall be entitled to the exemptions~~[-deferrals;]~~ or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, ~~[38-a;]~~ 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by ~~[March 1 following the date of notice of tax under RSA 72:1-d]~~ April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption~~[-deferral;]~~ or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption~~[-deferral;]~~ or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting tax exemptions[~~-deferrals-~~] and credits pursuant to RSA 72.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

***1-a. If any person, otherwise qualified to receive an exemption or credit, shall satisfy the selectmen or assessors that he or she was prevented by accident, mistake, or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he or she desires the exemption to begin, said officials may receive the application at a later date and grant an exemption or credit for that year; but no such application shall be received or exemption or credit granted after the local tax rate has been approved for that year.***

II. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change residence[~~-provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by RSA 72:38-a~~].

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the application to obtain an exemption or tax credit, they may refuse to grant the exemption or tax credit.

IV. [Repealed.]

V. In addition to the above requirements, applicants for exemption who claim ownership pursuant to RSA 72:29, V shall file with their application an additional statement signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing they meet the requirements of RSA 72:29, V.

VI. The assessing officials may require applicants for any exemption or tax credit to file the information listed in RSA 72:34, or the statement required by RSA 72:33, V periodically but no more frequently than annually. Failure to file such periodic statements may, at the discretion of the assessing officials, result in a loss of the exemption or tax credit for that year.

7 Investigation of Application. Amend the introductory paragraph of RSA 72:34, I to read as follows:

I. On receipt of an application provided for in RSA 72:33 ***or RSA 72:38-a***, the selectmen or assessors shall examine it as to the right to the tax exemption, tax deferral or tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.

8 Tax Credit for Service-Connected Disability; Optional Amount Increased. Amend RSA 72:35 to read as follows:

72:35 Tax Credit for Service-Connected Total Disability.

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a ***standard*** yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

***1-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$2,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.***

***1-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.***

II. The ***standard or optional*** tax credit [in paragraph I] ***under this section*** may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III.(a) Any person applying for the *standard or optional* tax credit ~~[granted in paragraph I]~~ *under this section* shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

~~[IV.(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on the person's residential property:~~

~~(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.~~

~~(c) Applications for this credit shall be made in the manner prescribed by paragraph III. Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.]~~

9 Interpretation; Rules. Amend RSA 72:36, I to read as follows:

1. ~~[His]~~ *The commissioner's* interpretation of RSA 72:28, ~~[72:28-a]~~ 72:29, 72:29-a, ~~[72:29-b]~~, 72:30, 72:31, 72:32, 72:33, 72:33-a, 72:34, 72:34-a, 72:35, ~~[72:35-a]~~ and 72:36-a; and

10 Exemption for the Blind; Reference Changed. Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services program, bureau of vocational rehabilitation, department of education shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in RSA ~~[72:36-b]~~ 72:27-a. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

11 Exemption for the Disabled; Optional Extension Added. Amend RSA 72:37-b to read as follows:

72:37-b Exemption for the Disabled.

I. Upon its adoption by a city or town as provided in RSA ~~[72:37-c]~~ 72:27-a, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

*I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.*

II. The ~~[exemption]~~ exemptions in paragraph I *and I-a* may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode. *Nothing in this section shall preclude a qualified applicant from earning an income.*

III. *No exemption shall be allowed under paragraph I or I-a unless the person applying for an exemption:*

*(a) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount deter-*

*mined by the city or town for purposes of paragraph I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:*

*(1) Life insurance paid on the death of an insured.*

*(2) Expenses and costs incurred in the course of conducting a business enterprise.*

*(3) Proceeds from the sale of assets.*

*(b) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.*

*IV. Additional requirements for an exemption under paragraph I or I-a shall be that the property is:*

*(a) Owned by the resident;*

*(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;*

*(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed; or*

*(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.*

*12 Tax Deferral for Elderly and Disabled; Residency for Disabled Applicant. Amend RSA 72:38-a, I(b) to read as follows:*

*(b) Has owned the homestead for at least 5 consecutive years if the person qualifies as an elderly applicant, or has owned the homestead for at least one year if the person qualifies as a disabled applicant; and*

*13 New Paragraph: Tax Deferral for the Elderly or Disabled. Amend RSA 72:38-a by inserting after paragraph II the following new paragraph:*

*II-a. No person shall be entitled to the deferral under this section unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the deferral is claimed and that the applicant is duly qualified at the time of application. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive a deferral on an annual basis so long as the applicant does not change residence; provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by this section. The form shall include the following and such other information deemed necessary by the commissioner:*

*(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting a deferral.*

*(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.*

*(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.*

*(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.*

14 Conditions for Elderly Exemption; Consecutive Years of Residence; Net Income and Assets for Married Persons. Amend RSA 72:39-a, I to read as follows:

I. No exemption shall be allowed under RSA 72:39-b unless the person applying therefor:

(a) Has resided in this state for at least 5 *consecutive* years preceding April 1 in the year in which the exemption is claimed.

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount *applicable to each age group as* determined by the city or town for purposes of RSA 72:39-b. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured;

(2) Expenses and costs incurred in the course of conducting a business enterprise;

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000. *A city or town may set a combined net assets amount for married persons in such greater amount as the legislative body of the city or town may determine.* "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

15 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

16 Procedure for Adoption and Modification of the Elderly Exemption. RSA 72:39-b is repealed and reenacted to read as follows:

72:39-b Procedure for Adoption and Modification of Elderly Exemption.

I. A town or city may adopt or modify elderly exemptions by the procedure in RSA 72:27-a.

II. An elderly exemption, based on assessed value for qualified taxpayers, shall be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 5 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

17 Exemption for the Solar Energy Systems; Reference Changed. Amend RSA 72:62 to read as follows:

72:62 Exemption for Solar Energy Systems. Each city and town may adopt under RSA [72:63] 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61.

18 Exemption for the Wind-Powered Energy Systems; Reference Changed. Amend RSA 72:66 to read as follows:

72:66 Exemption for Wind-Powered Energy Systems. Each city and town may adopt under RSA ~~[72:67]~~ 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a wind-powered energy system.

19 Exemption for the Woodheating Energy Systems; Reference Changed. Amend RSA 72:70 to read as follows:

72:70 Exemption for Woodheating Energy Systems. Each city and town may adopt under RSA ~~[72:71]~~ 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a woodheating energy system

20 Reference Changed; Special Number Plates. Amend RSA 261:86, I© and (d) to read as follows:

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

21 Reference Changed; Motor Vehicles; Exemption for Prisoners of War. Amend RSA 261:157-a to read as follows:

261:157-a Exemption for Prisoners of Wars. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ 72:28, V, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

22 Reference Changed; Veterans Preference. Amend RSA 283:8, I and II to read as follows:

I. The term "armed forces" shall include those forces listed in RSA ~~[72:28, I]~~ 72:28, IV.

II. The terms "in time of war" and "during any war" shall include all the terms used in RSA ~~[72:28, HH]~~ 72:28, V.

23 Contingent Amendment; HB 806. Amend the introductory paragraph of RSA 72:27-a, I to read as follows

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, **RSA 72:38-b**, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

24 Contingent Amendment; HB 806. RSA 72:38-b, VI is repealed and reenacted to read as follows:

VI. Any town or city may adopt, modify, or rescind the provisions of this section in the manner provided in RSA 72:27-a.

25 Contingent Amendment; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. Except as provided in RSA 72:33-b, no person shall be entitled to the exemptions, deferrals, or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, ~~38-b~~, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption, deferral, or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption, deferral, or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

26 Contingent Amendment 2005; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I is repealed and reenacted to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on

which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

27 Contingent Effective Date; HB 806; Exemption for Deaf. If HB 806 of the 2003 legislative session becomes law, sections 23, 24, and 25 of this act shall take effect April 1, 2003 at 12:01 a.m. and section 26 of this act shall take effect April 1, 2005 at 12:01 a.m. If HB 806 does not become law, sections 23-26 of this act shall not take effect.

28 Application. The provisions of this act shall not affect any validly adopted or modified property tax credit or exemption by any town or city in effect before the effective date of this act.

29 Repeal. The following are repealed:

I. RSA 72:28-a, relative to adoption of the optional veterans' credit.

II. RSA 72:29-b, relative to adoption of the veterans' surviving spouse credit.

III. RSA 72:35-a, relative to adoption of the credit for service-connected disability.

IV. RSA 72:36-b, relative to adoption of the exemption for the blind.

V. RSA 72:37-c, relative to adoption of the exemption for the disabled.

VI. RSA 72:63, relative to adoption of the exemption for solar energy systems.

VII. RSA 72:67, relative to adoption of the exemption for wind-powered energy systems.

VIII. RSA 72:71, relative to adoption of the exemption for woodheating energy systems.

30 Repeal; 2005. RSA 72:33-b, relative to the optional date for filing for elderly exemptions, is repealed.

31 Effective Date.

I. Sections 6, 7, 13 and 30 of this act shall take effect April 1, 2005.

II. Sections 23-26 of this act shall take effect as provided in section 27 of this act.

III. The remainder of this act shall take effect April 1, 2003.

### AMENDED ANALYSIS

This bill:

I. Clarifies the procedure for adopting or modifying property tax exemptions or credits in RSA 72 and repeals various existing provisions which are obsolete or duplicative.

II. Allows towns and cities to adopt an amount of the optional veterans' property tax credit from \$51 to \$500.

III. Effective April 1, 2005, changes the filing date for applications for all exemptions or tax credits, and repeals the additional optional filing date for the elderly exemption.

IV. Allows towns and cities to adopt an optional property tax credit for service-connected total disability in an amount from \$701 up to \$2,000.

V. Allows municipalities to adopt an extension of the property tax exemption for disabled persons who are 65 years of age or older.

VI. Lowers the residency requirement for a disabled person applying for a deferral of property taxes pursuant to the tax deferral program for the elderly and disabled.

VII. Allows for the adoption by municipalities of a married persons' combined net income and net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

VIII. Clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

Adopted.

Report adopted and ordered to third reading.

**SB 62**, relative to the application and enforcement of the state building code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: This bill as introduced attends to details that were causing some problems at the local level with respect to 1) adopting codes by reference instead of having to include the entire language of those codes into an ordinance; 2) clarifying that any enforcement procedures adopted prior to the effective date of the new state building code would remain in effect, unless in conflict with the state building code; and 3) allowing the building code of Review Board to update or change the state building code, not



just the manuals. The amendment identifies the National Electric Code of 2002, not 1999, as part of the definition of "New Hampshire building code and adds a master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association. Vote 12-3.

Rep. Robert L. Theberge for the Minority of Municipal and County Government: The minority asks you to vote against the majority amendment. Although it is progressive for the members of the Building Code Review Board to adopt rules, any update or changes to the State Building Code is a legislative function. The Building Code Review Board should not have the authority to adopt rules prior to the adoption of appropriate legislation. This is a clear violation of separation of powers.

### Majority Amendment (1833h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the application and enforcement of the state building code and the membership of the state building code review board.

Amend the bill by replacing all after the enacting clause with the following:

1 State Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code [1999] **2002**. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

2 State Building Code; Enforcement. Amend RSA 155-A:2, VII to read as follows:

VII. For any municipality which has not adopted an enforcement mechanism ~~for the state building code~~ under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

3 Building Code Review Board; Number Deleted. Amend introductory paragraph of RSA 155-A:10, I to read as follows:

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and ~~[15]~~ additional members appointed by the commissioner of safety as follows:

4 New Subparagraph; Review Board Member Added. Amend RSA 155-A:10, I by inserting after subparagraph (o) the following new subparagraph:

(p) One master electrician licensed in this state for a minimum of 5 years, nominated by Electrical Contractors Business Association.

5 Initial Term of New Member. The initial term of the master electrician appointed under RSA 155-A:10, I(p) as inserted by this act shall coincide with the remaining term for the master electrician appointed under RSA 155-A:10, I(n). Subsequent terms shall be for 3 years.

6 Building Code Review Board; Rulemaking. Amend RSA 155-A:10, V to read as follows:

V. The board may adopt rules to update or change the state building code ~~[manuals]~~ for the codes described in RSA 155-A:1, IV, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

7 Planning and Zoning; State Building Code Enforcement. Amend RSA 674:51, I to read as follows:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code. ***Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.***

8 New Section; Planning and Zoning; Local Adoption of Building Codes by Reference. Amend RSA 674 by inserting after section 51 the following new section:

674:51-a Local Adoption of Building Codes by Reference. In addition to the local powers under RSA 674:51 a municipality may adopt by reference any of the codes promulgated by the International Code Conference which are not included in the state building code under RSA 155-A.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the definition and application of the state building code, and the enforcement by local authorities. The bill also adds a member to the state building code review board.

Rep. Balboni spoke against.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

**SB 67**, relative to a report on municipal water needs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill would require the Office of State Planning (OSP) and the Department of Environmental Services (DES) to prepare a report on current and future municipal water requirements when permitting groundwater withdrawals. These issues are addressed by a study commission formed by SB 155 and by a legislative study committee formed by SB 162. These studies involve establishing important water policies of the state of New Hampshire and therefore should be formulated by elected legislators and not by members of a state agency. In addition, duplicate effort would be expended by the departments in satisfying both initiatives. The majority of the committee felt that these important water policy decisions belong in the study process of SB 155 and SB 162. Therefore, this bill is not necessary. Vote 11-4.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill, unanimously passed by the Senate as a companion to SB 155 and SB 162, would provide the research necessary for those policy-making committees to move forward. For this reason, it is an essential complement, not duplication, of SB 162. The state needs to develop a fact-based methodology for determining how much water a municipality will need to accommodate its future growth. The lack of this methodology has hampered groundwater permitting, and policy-making for water management on state, regional and local levels. With SB 67, the Department of Environmental Services will be able to provide the information necessary to support the legislatively overseen policy-making of SB 155 and SB 162.

Reps. Brueggeman, McEachern and Spang spoke against.

Reps. Chris Christensen and Richard Cooney spoke in favor.

Rep. Spang requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 204 NAYS 103**

**YEAS 204**

**BELKNAP**

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Wendelboe, Fran	Whalley, Michael	

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

**CHESHIRE**

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Royce, H Charles	Smith, Edwin

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Richardson, Herbert
Stohl, Eric	Toll, John Jr		

**GRAFTON**

Alger, John	Barker, Robert	Dorsett, Andrew	Dudley, Terri
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Solomon, Peter	Sorg, Gregory
Williams, Burton			

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Barry, J Gail	Beaton, William	Bergeron, Jean-Guy	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Fields, Dennis	Fletcher, Richard	Gargas, Carolyn
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Hall, Charles
Hawkins, Ken	Holden, Randolph	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lawrence, James	Lefebvre, Roland
Luebker, Bernard	McRae, Karen	Mercer, Robert	Milligan, Robert
Mooney, Maureen	Moran, Edward	Mosher, William	O'Brien, Lori
Ober, Russell III	Pappas, Marc	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Spiess, Paul
Stepanek, Stephen	Tahir, Saghir	Wheeler, James	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Currier, David	Field, William	Foley, Albert
Hess, David	Jacobson, Alf	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McCormick, Tom
Nutter, Edward	Oliver, James	Osborne, Jessie	

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McCann, Richard	McKinney, Betsy	Morris, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Matthew
Rausch, James	Robertson, Carl	Roessner, Kurt	Smith, Donald
Smith, Paul	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Weare, E Albert	Welch, David	Weidy, Norman Jr	Weyler, Kenneth
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Cataldo, Sam
Dunlap, Patricia	Harrington, Michael	Newton, Clifford	Scott, David
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Flint, Gordon Sr	Jones, Constance	Leone, Richard
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## NAYS 103 BELKNAP

None

## CARROLL

None

## CHESHIRE

Allen, Peter  
Mitchell, McKim  
Robertson, Timothy

Batchelder, Robert  
Parkhurst, Henry  
Tilton, Anna

Dunn, James  
Pratt, Irene  
Webber, Amy

Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

## COOS

Poulin, Richard

Theberge, Robert

## GRAFTON

Akins, Ralph  
Densmore, Edward  
Scovner, Nancy

Almy, Susan  
Diamond, Estelle  
Sokol, Hilda

Benn, Bernard  
Hammond, Lee

Cooney, Mary  
Nordgren, Sharon

## HILLSBOROUGH

Artz, Lawrence  
Buckley, Raymond  
Cote, Peter  
Gorman, Mary  
Jean, Claudette  
Kopka, Angeline  
Malloy, Chris  
Pappas, Christopher  
Shaw, Barbara

Balboni, Michael  
Clayton, William  
Crane, Elenore Casey  
Graham, John  
Johnson, Lionel  
Kudalis, Debra  
McHugh, Claire  
Pilotte, Maurice  
Sullivan, Francis

Baroody, Benjamin  
Clemons, Jane  
Furman, Christine  
Hallyburton, Margaret  
Katsiantonis, Thomas  
Lasky, Bette  
Movsesian, Lori  
Ross, Lawrence  
Sullivan, Peter

Brassard, Paul  
Cote, David  
Gibson, John  
Irwin, Anne-Marie  
Konys, Christine  
Leach, Edward  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia

## MERRIMACK

Bouchard, Candace  
DeJoie, John  
Owen, Derek  
Wallner, Mary Jane

Bueggemann, Donald  
DeStefano, Stephen  
Perkins, Randy

Clarke, Claire  
French, Barbara  
Potter, Frances

Davis, Frank  
Hamm, Christine  
Rush, Deanna

## ROCKINGHAM

Blanchard, MaryAnn  
McEachern, Paul  
Vallone, Matthew

Cady, Harriet  
Norelli, Terie

Casey, Kimberley  
Scamman, Stella

Coes, Betsy  
Shultis, Elizabeth

## STRAFFORD

Berube, Roger  
Johnson, Nancy  
Schmidt, Peter  
Vachon, Dennis

Creteau, Irene  
Keans, Sandra  
Smith, Marjorie  
Wall, Janet

Easson, Timothy  
Knowles, William  
Spang, Judith

Hofemann, Roland  
Rollo, Deanna  
Taylor, Kathleen

## SULLIVAN

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Sandra

Donovan, Thomas  
Phinizy, James

Ferland, Brenda

and the majority report was adopted.

## BILLS REMOVED FROM CONSENT CALENDAR

### **SB 161, relative to procedures in eminent domain proceedings. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: This bill allows condemnees subject to property acquisition to have a reasonable opportunity to have their property appraised by an independent qualified appraiser, employed by the condemnees, and reimbursed by the condemnor up to \$1,000 for each property. The condemnors shall review any independent appraisals before formulating a notice of offer. The amendments made by the committee were for clarity and legal interpretation. Vote 19-0.

**Amendment (1764h)**

Amend RSA 498-A:4, II(b) as inserted by section 1 of the bill by replacing it with the following:  
 (b) Condemnees who are the subject of a property acquisition shall have a reasonable opportunity to have their property appraised by an independent, qualified appraiser, employed by the condemnees. The condemnor shall reimburse the usual and customary cost of the appraisal up to \$1,000 for each property.

Amend RSA 498-A:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The condemnor shall review any independent appraisals prepared under this paragraph for accuracy before formulating a notice of offer.

Amend RSA 498-A:4, III© as inserted by section 1 of the bill by replacing it with the following:

(c) The offer shall remain outstanding and may be accepted by the condemnee until such time as either the condemnor or the condemnee files a petition in the superior court to have the damages reassessed under RSA 498-A:27.

Adopted.

Rep. Edwin Smith offered a floor amendment (1896h).

**Floor Amendment (1896h)**

Amend RSA 498-A:4, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The condemnor shall make its notice of offer within a reasonable time after the governmental entity, with the statutory authority to condemn, votes to acquire a property.

Amend RSA 498-A:4, III(b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within 30 days after service of the notice. Just compensation for the taking shall be based on the value of the property as of the date of taking or at the sole election of all condemnees, compensation may be based upon the property's value based upon the date the governmental entity, with the statutory authority to condemn, votes to acquire the condemnee's property. Any such election shall occur not later than 30 days from the date of taking by written notice to the board of tax and land appeals and the condemnor.

Reps. Edwin Smith and Dodge spoke in favor.

Floor amendment (1896h) adopted.

Amended report adopted and ordered to third reading.

**RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 24, 2003 at 9:30 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

**SB 107-FN-A-L**, establishing a statewide education accountability system.

**SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

**SB 163-FN**, relative to the procedures of the health services planning and review board.

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

**SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions.

**SB 62**, relative to the application and enforcement of the state building code.

**SB 161**, relative to procedures in eminent domain proceedings.

**SUSPENSION OF RULES**

Reps. Hess and Burling move that the Rules be suspended to allow the June 13, 2003 deadline, the last day to sign-off all supplemental bills, including redrafts, to be moved one week to Friday, June 20, 2003.

Adopted by the necessary two-thirds.

The House recessed at 4:50 p.m.

**RECESS****(Speaker Chandler in the Chair)**

The Speaker reconvened the House at 5:15 p.m.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. (Amendments printed SJ 5/22/03 and 6/05/03)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Whalley, Rodeschin and Drisko.

**HB 615-FN**, relative to the requirements for registration of sexual offenders. (Amendments printed SJ 5/22/03)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Karl Gilbert, Stevens, Knowles and Movsesian.

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants. (Amendments printed SJ 5/22/03 and 6/05/03)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Rep. Burling spoke against.

Rep. Kurk spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the House nonconcur and request a Committee of Conference.

**YEAS 178 NAYS 89****YEAS 178****BELKNAP**

Ahern, Omer Jr  
Fitzgerald, James  
Nedeau, Stephen  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boyce, Laurie  
Laflam, Robert  
Russell, David

Clark, Charles  
Lawton, David  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Patten, Betsey

Derby, Mark  
McConkey, Mark  
Stevens, Stanley

Dickinson, Howard  
Morrow, Harry

**CHESHIRE**

Dexter, Judson  
Liebl, George

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

**COOS**

Guay, Lawrence

Richardson, Herbert

Stohl, Eric

Toll, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Maybeck, Margie

Barker, Robert  
Gionet, Edmond  
Sorg, Gregory

Dorsett, Andrew  
Giuda, Robert  
Williams, Burton

Dudley, Terri  
Ingbretson, Paul

**HILLSBOROUGH**

Adams, Jarvis  
 Artz, Lawrence  
 Bergeron, Jean-Guy  
 Carlson, Donald  
 Christensen, D L Chris  
 Dokmo, Cynthia  
 Fields, Dennis  
 Goulet, Maurice  
 Hawkins, Ken  
 Kurk, Neal  
 McRae, Karen  
 Moran, Edward  
 Price, Pamela  
 Scanlon, Michael  
 Tahir, Saghir

Allan, Nelson  
 Balboni, Michael  
 Brundige, Robert  
 Carter, Jeffrey  
 Christiansen, Lars  
 Drisko, Richard  
 Fletcher, Richard  
 Graham, John  
 Holden, Randolph  
 Lawrence, James  
 Mercer, Robert  
 Mosher, William  
 Reeves, Sandra  
 Slocum, Lee  
 Wheeler, James

Allen, Timothy  
 Barry, J Gail  
 Bruno, Pierre  
 Carter, Mark  
 Crane, Elenore Casey  
 Elliott, Larry  
 Furman, Christine  
 Hall, Charles  
 Jasper, Shawn  
 Luebker, Bernard  
 Milligan, Robert  
 O'Brien, Lori  
 Ross, Lawrence  
 Spiess, Paul  
 Wheeler, Robert

Arnold, Thomas Jr  
 Beaton, William  
 Buhlman, David  
 Chabot, Robert  
 Dionne, Kimberley  
 Emerton, Larry  
 Gonzalez, Carlos  
 Hallyburton, Margaret  
 Johnson, Lionel  
 McHugh, Claire  
 Mooney, Maureen  
 Ober, Russell III  
 Rowe, Robert  
 Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
 Kenison, Leon  
 MacKay, James  
 Oliver, James

Foley, Albert  
 Kennedy, Richard  
 Marple, Richard

Hess, David  
 Langer, Ray  
 Maxfield, Roy

Jacobson, Alf  
 Leber, William  
 McCormick, Tom

**ROCKINGHAM**

Allen, Mary  
 Bridle, Russell  
 Clark, Vivian  
 Doyle, Christopher  
 Flanders, John Sr  
 Gilbert, Karl  
 Hamel, Albert  
 Johnson, Robert  
 Major, Norman  
 Packard, Sherman  
 Robertson, Carl  
 Smith, Paul  
 Weyler, Kenneth

Belanger, Ronald  
 Cady, Harriet  
 Dalrymple, Janeen  
 Dumaine, Dudley  
 Flayhan, Mary Lou  
 Gillick, Thomas  
 Holland, James Jr  
 Johnson, Rogers  
 McCann, Richard  
 Priestley, Anne  
 Roessner, Kurt  
 Stone, Joseph  
 Winchell, George

Bicknell, Elbert  
 Camm, Kevin  
 DiFruscia, Anthony  
 Dupuis, Roland  
 Francoeur, Sheila  
 Gleason, John  
 Ingram, Russell  
 Kobel, Rudolph  
 Morris, Richard  
 Quandt, Matthew  
 Scamman, Stella  
 Welch, David  
 Zolla, William

Bishop, Franklin  
 Carson, Sharon  
 Dodge, Robert  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Itse, Daniel  
 Letourneau, Robert  
 O'Neil, Michael  
 Rausch, James  
 Smith, Donald  
 Weldy, Norman Jr

**STRAFFORD**

Albert, Russell  
 Scott, David

Cataldo, Sam  
 Twombly, James

Dunlap, Patricia  
 Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Jones, Constance

Leone, Richard

**NAYS 89****BELKNAP**

None

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Allen, Peter  
 Manning, Joseph  
 Richardson, Barbara  
 Weed, Charles

Batchelder, Robert  
 Mitchell, McKim  
 Robertson, Timothy

Dunn, James  
 Parkhurst, Henry  
 Tilton, Anna

Eaton, Daniel  
 Pratt, Irene  
 Webber, Amy

**COOS**

Theberge, Robert

**GRAFTON**

Almy, Susan  
Diamond, Estelle  
Sokol, Hilda

Benn, Bernard  
Ham, Bonnie

Cooney, Mary  
Hammond, Lee

Densmore, Edward  
Nordgren, Sharon

**HILLSBOROUGH**

Brassard, Paul  
Konys, Christine  
Leach, Edward  
Pilotte, Maurice  
Sullivan, Peter

Buckley, Raymond  
Kopka, Angeline  
Lefebvre, Roland  
Schulze, Joan  
Sweeney, Cynthia

Gorman, Mary  
Kudalis, Debra  
Movsesian, Lori  
Shaw, Barbara

Irwin, Anne-Marie  
Lasky, Bette  
Pappas, Christopher  
Sullivan, Francis

**MERRIMACK**

Bouchard, Candace  
French, Barbara  
Owen, Derek  
Wallner, Mary Jane

Clarke, Claire  
Hamm, Christine  
Perkins, Randy

Davis, Frank  
Lockwood, Priscilla  
Potter, Frances

DeStefano, Stephen  
Osborne, Jessie  
Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
Gould, Kenneth  
McEachern, Paul  
Vallone, Matthew

Casey, Kimberley  
Hughes, Daniel  
McKinney, Betsy

Coes, Betsy  
Langley, Jane  
Norelli, Terie

Cooney, Richard  
Langone, John  
Shultis, Elizabeth

**STRAFFORD**

Berube, Roger  
Keans, Sandra  
Smith, Marjorie  
Wall, Janet

Creteau, Irene  
Newton, Clifford  
Spang, Judith

Hofemann, Roland  
Rollo, Deanna  
Taylor, Kathleen

Johnson, Nancy  
Schmidt, Peter  
Vachon, Dennis

**SULLIVAN**

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the motion to nonconcur and request a Committee of Conference was adopted.

The Speaker appointed Reps. King, Hess, Major and Jeffrey Gilbert.

**HB 796-FN-L**, relative to the taxation of manufactured housing. (Amendment printed SJ 5/22/03)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Rep. Hunt spoke in favor and yielded to questions.

Adopted.

The Speaker appointed Reps. Hunt, Fraser, Spiess and Meader.

**HB 646-FN**, relative to liquor licenses and fees. (Amendments printed SJ 5/22/03)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 302-FN**, relative to the funding and use of the retirement system special account. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House concur and spoke in favor.

Adopted.

**HB 621-FN-A-L**, establishing an early childhood literacy program. (Amendment printed SJ 5/22/03)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Carson, Colcord, Kurk and Claire Clarke.

**HB 677-FN**, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. (Amendment printed SJ 5/22/03)

Rep. Dalrymple moved that the House concur and spoke in favor.

Adopted.



**HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan. (Amendments printed SJ 5/22/03)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

### ADDITIONAL CONFeree

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005, and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Speaker Chandler to serve as an alternate member.

### UNANIMOUS CONSENT

Rep. Barbara French addressed the House.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committees of Conference only.

Adopted.

The House recessed at 5:55 p.m.

### RECESS

(Rep. Hess in the Chair)

### SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 357-FN**, relative to child support insurance settlement intercept. (Amendments printed SJ 5/33/03 & 6/05/03)

Rep. Wall moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arnold, Hallyburton, Dokmo and Barbara Richardson.

### ENROLLED BILL AMENDMENTS

**SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing. (Amendment printed SJ 6/05/03)

Adopted.

**SB 113**, changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission. (Amendment printed SJ 6/05/03)

Adopted.

**SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. (Amendment printed SJ 6/05/03)

Adopted.

**SB 178**, relative to guaranty funds. (Amendment printed SJ 6/05/03)

Adopted.

### RECESS

(Speaker Chandler in the Chair)

### CONFEREES CHANGES

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

Alternate member Rep. Stone replaced Rep. Wheeler.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Alternate member Rep. Stone replaced Rep. Wheeler.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard.

Rep. McCann replaced Rep. Easson.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

Rep. Weed to serve as an alternate member.

## RECESS

**Rep. Batula in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 368**, making technical corrections to the statutory list of dedicated funds.

#### Amendment (1990-EBA)

Amend RSA 6:12, I(b)(4) as inserted by section 1 of the bill by replacing line 1 with the following:

~~[(t)]~~ **(4)** Fees collected by the department of safety under

Amend RSA 6:12, I(b)(5) as inserted by section 1 of the bill by replacing lines 7-8 with the following: motor vehicles, which shall be credited to the ~~[public works and highways]~~ department *of transportation* for maintenance of highways[;].

Amend RSA 6:12, I(b)(7) as inserted by section 1 of the bill by replacing line 3 with the following: ~~[public works and highways]~~ department *of transportation* for the maintenance of highways.

Amend RSA 6:12, I(b)(14) as inserted by section 1 of the bill by replacing line 2 with the following: ~~[Philbrook]~~ *youth services* center ~~[for children and youth]~~ pursuant to RSA 186-C:20.

Amend RSA 6:12, I(b)(19) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

~~[(tt)]~~ **(19)** Money received under RSA 318-B:17-b, ~~[FV]~~ V, which shall be credited as specified in RSA 318-B:17-b, ~~[FV]~~ V to:

Amend RSA 6:12, I(b)(20) as inserted by section 1 of the bill by replacing line 2 with the following: radiation long-term care fund.

Amend RSA 6:12, I(b)(27) as inserted by section 1 of the bill by replacing line 2 with the following: wastewater ~~[treatment]~~ plant operator certification fund established in RSA 485-A:7-a, II.

Amend RSA 6:12, I(b)(65) as inserted by section 1 of the bill by replacing line 1 with the following: ~~[(www)]~~ **(65)** Money received under ~~RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,~~

Amend RSA 6:12, I(b)(92) as inserted by section 1 of the bill by replacing line 2 with the following: assessments fund under RSA 21-I:11, VIII~~[(b)]~~.

Amend RSA 6:12, I(b)(112) as inserted by section 1 of the bill by replacing line 2 with the following: RSA 471-A:20, established in 1965, ~~[214-9]~~ **214:1** and repealed in 1986, 204:2.

Amend RSA 6:12, I(b)(141) as inserted by section 1 of the bill by replacing line 2 with the following: activity center ~~[fund]~~ *account* under 1995, 52:1.

Amend RSA 6:12, I(b)(143) as inserted by section 1 of the bill by replacing line 2 with the following: recovery fund ~~[under RSA 107-C:15]~~ *established by RSA 21-P:46*.

Amend RSA 6:12, I(b)(191) as inserted by section 1 of the bill by replacing line 1 with the following: ~~[(ssssss)]~~ **(191)** Moneys deposited in the disabled ~~[person's]~~ *persons'* employment fund under

Amend RSA 6:12, I(b)(211) as inserted by section 1 of the bill by replacing it with the following: **(211)** *Moneys deposited in the laboratory accreditation fund under RSA 485:46.*

Amend RSA 6:12, I(b)(212) as inserted by section 1 of the bill by replacing line 1 with the following: **(212)** *Moneys deposited in the drug-free school zone sign fund under*

Amend RSA 6:12, I(b) as inserted by section 1 of the bill by deleting RSA 6:12, I(b)(218) and renumbering the original RSA 6:12, I(b)(219)-(223) to read as RSA 6:12, I(b)(218)-(222), respectively.

Amend RSA 6:12, I(b)(221) as inserted by section 1 of the bill by it with the following:

**(221)** *Moneys deposited in the Connecticut Lakes headwaters natural areas stewardship endowment account under RSA 216:9.*

Adopted.

**HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations

**Amendment (1961-EBA)**

Amend section 5 of the bill by replacing line 2 with the following:

415-A:4-b to read as follows:

Adopted.

**HB 601**, relative to the long-term care insurance act.

**Amendment (2027-EBA)**

Amend the bill by replacing lines 1-3 following the enacting clause with the following:

1 Long-Term Care Insurance Act. RSA 415-D is repealed and reenacted to read as follows:

**CHAPTER 415-D****LONG-TERM CARE INSURANCE ACT**

Amend RSA 415-D:3, IV(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) A group, other than as described in (c)(1) subject to a finding by the

Amend RSA 415-D:3, VII as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:

benefit society; nonprofit health, hospital, or medical service corporation; prepaid health plan; health maintenance organization or any similar organization.

Amend RSA 415-D:3, VIII-IX as inserted by section 1 of the bill by replacing them with the following:

VIII. "Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means:

(a) An individual or group insurance contract that meets the requirements of Section 7702B(b) of the Internal Revenue Code of 1986, as amended, as follows:

(1) The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

(2) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act, as amended, or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subparagraph do not apply to expenses that are reimbursable under Title XVIII of the Society Security Act only as a secondary payor. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expense incurred during the period to which the payments relate;

(3) The contract is guaranteed renewable, within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended;

(4) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subparagraph (e);

(5) All refunds of premiums, and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract; and

(6) The contract meets the consumer protection provisions set forth in Section 7702(b)(g) of the Internal Revenue Code of 1986, as amended.

(b) The portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies the requirements of Sections 7702B(b) and (e) of the Internal Revenue Code of 1986, as amended.

Amend RSA 415-D:5, III(a) as inserted by section 1 of the bill by replacing line 2 with the following: condition that is more restrictive than the following: "Preexisting condition" means a condition for

Amend RSA 415-D:6,II as inserted by section 1 of the bill by replacing line 2 with the following: policyholder, each certificate holder shall be entitled to have issued to him or her an individual policy or

Amend RSA 415-D:8, IV(g) as inserted by section 1 of the bill by replacing line 2 with the following: is intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the

Adopted.

**HB 728-FN-A**, establishing a dedicated fund for organic certification inspections.

**Amendment (1989-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 New Paragraphs; Certification Inspections; Funds Established. Amend RSA 426:6-b by Amend RSA 6:12, I(mmmmmmmmm) as inserted by section 4 of the bill by replacing line 2 with the following:

the organic processors and handlers certification inspection fund established in RSA 426:6-b, IV. Amend section 7 of the bill by replacing lines 2-3 with the following:

I. RSA 426:6-b, IV and V, relative to the organic processors and handlers certification inspection fund.

II. RSA 6:12, I(mmmmmmmmm), relative to the organic processors and handlers certification inspection fund.

Adopted.

**HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor.

**Amendment (2013-EBA)**

Amend RSA 486-A:2, I(c) as inserted by section 2 of the bill by replacing line 2 with the following: *including the scientific evaluation of the groundwater contributing area of public wells*

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraphs; Definitions; Eligible Regional Water System Costs; Eligible Evaluation of the Groundwater Contribution Area of Public Wells That Have Recorded Levels of Chemical Contaminants Excluding MTBE. Amend RSA 486-A:2 by

Amend section 4 of the bill by replacing line 1 with the following:

4 New Paragraphs; Definitions; Regional Water System; Groundwaters.

Amend RSA 486-A:2, V-b as inserted by section 4 of the bill by replacing line 1 with the following:

V-b. "Groundwaters" means all areas below the top of the water table, including aquifers, Amend the section heading of RSA 486-A:3 as inserted by section 5 of the bill by replacing line 2 with the following:

Costs; *Regional Water System Costs*.

Amend RSA 486-A:7, I(c) as inserted by section 9 of the bill by replacing line 7 with the following: of the facilities in accordance with department instructions or both[;];

Amend RSA 486-A:7, I(d) as inserted by section 9 of the bill by replacing lines 4-5 with the following: planning initiatives and to consider the results of such initiatives for purposes of long-term water supply planning and infrastructure development.

Amend section 16 of the bill by replacing lines 1-2 with the following:

16 New Section; Repayment Responsibility. Amend RSA 486-A by inserting after section 14 the following new section:

Adopted.

**HB 753**, establishing the fourth Monday in April as General John Stark Day.

**Amendment (2012-EBA)**

Amend line 2 of paragraph I of section 1 of the bill by replacing it with the following:

accomplishments of those New Hampshire citizens who risked their lives and property to establish a Adopted.

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors.

**Amendment (2015-EBA)**

Amend section 2 of the bill by replacing line 2 with the following:

section 23 the following new subdivision:

Amend section 2 of the bill by replacing line 4 with the following:

132:24 Definitions. In this subdivision:

Amend section 2 of the bill by replacing line 20 with the following:

132:25 Notification Required.

Amend section 2 of the bill by replacing lines 32-33 with the following:

132:26 Waiver of Notice.

I. No notice shall be required under RSA 132:25 if:

Amend section 2 of the bill by replacing line 67 with the following:

132:27 Penalty. Performance of an abortion in violation of this subdivision shall be a

Amend section 2 of the bill by replacing line 74 with the following:

132:28 Severability. If any provision of this subdivision or the application thereof to any person  
Adopted.

## SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 109**, relative to telemarketing practices.

The President appointed Sens. Gatsas, Johnson and Estabrook.

**HB 139**, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

The President appointed Sens. O'Hearn, Green and Foster.

**HB 303**, relative to life, accident, and health technicals.

The President appointed Sens. Flanders, Roberge and Cohen.

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees.

The President appointed Sens. Gatsas, Johnson and Estabrook.

**HB 420**, relative to state-owned trails and parking lots in the town of Windham.

The President appointed Sens. Morse, Barnes and Cohen.

**HB 606**, establishing a right-to-know study commission.

The President appointed Sens. Flanders, Odell and Cohen.

**HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud.

The President appointed Sens. Roberge, Boyce and Larsen.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system.

The President appointed Sens. Flanders, Prescott and Cohen.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Amendment printed SJ 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted

The Speaker appointed Reps. Roessner, Griffin, Christopher Pappas, Daniel Eaton.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. (Amendment printed SJ 5/22/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alger, Laurent, Snyder and Mercer.

**HB 280-FN**, relative to the poison information center. (Amendment printed SJ 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas, Maxfield, Major and Elliott.

**HB 135-FN-L**, relative to charter schools. (Amendments printed SJ 5/22/03 & 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alger, Laurent, Snyder and Dodge.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. (Amendment printed SJ 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Patten, Lockwood, Stohl and Theberge.

**HB 175**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Amendment printed SJ 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rowe, Haytayan, John Pratt and Mock.

**HB 389**, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund (Amendment printed SJ 6/05/03)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stevens, Nedeau, Tholl and Timothy Robertson.

## RECESS

(Rep. Whalley in the Chair)

## SENATE MESSAGES

### CONCURRENCES

**SB 21**, relative to health insurance riders.

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces.

**SB 58-FN-A**, relative to the net operating loss under the business profits tax.

**SB 77**, relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.

**SB 85-FN**, making certain revisions to the special education laws.

**SB 86-FN**, relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

**SB 110**, relative to small group health insurance coverage and relative to health plan loss information.

**SB 161**, relative to procedures in eminent domain proceedings.

**SB 179-FN-A**, relative to positions in the banking department.

### NONCONCURRENCE

**SB 107-FN-A-L**, establishing a statewide education accountability system.

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions.

The President appointed Sens. Roberge, Barnes and D'Allesandro.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Brundige, Twombly, Boyce and Theberge.

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

The President appointed Sens. Flanders, Morse and D'Allesandro.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Edwin Smith, Kenison, Cloutier and Weyler.

**SB 62**, relative to the application and enforcement of the state building code.

The President appointed Sens. Roberge, Clegg and Larsen.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Brundige, Gillick, Buhlman and Osborne.

**SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

The President appointed Sens. Johnson, Barnes and Cohen.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Royce, Merrow, Wiley and Spang.

**SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

The President appointed Sens. Prescott, Flanders and Cohen.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Camm, Ingram, Christine Hamm and Robert Wheeler.

**SB 163-FN**, relative to the procedures of the health services planning and review board.

The President appointed Sens. Martel, Flanders and Estabrook.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Batula, Price, McMahon and Sandra Harris.

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.

The President appointed Sens. Prescott, Gatsas and Below.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. O'Neil, Hamel, Nelson Allan, Pillotte.

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

The President appointed Sens. Flanders, Clegg and Foster.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Jeffrey Gilbert, Hughes, Christine Hamm and King.

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry.

The President appointed Sens. Prescott, Kenney and Cohen.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. O'Neil, Bergin, Fitzgerald and Francis Sullivan.

**SB 229**, making reference changes to the school building aid statutes.

The President appointed Sens. Johnson, O'Hearn and Larsen.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Stephen L'Heureux, Alger, Colcord and Claire Clarke.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 204**, relative to venue in juvenile proceedings. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Moran, McRae, Arnold and Barbara Richardson.

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Moran, Janet Allen, Arnold and Gile.

**HB 323**, relative to the task force on family law. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Moran, McRae, Arnold and Barbara Richardson.

**HB 470**, relative to health insurance providers. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Liebl and Kathleen Taylor.

**HB 546**, relative to uniform prescription drug information cards. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Liebl and Kathleen Taylor.

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Stevens, Welch, Bicknell and Knowles.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget. (Amendment printed SJ 5/29/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Alger, Laurent, Snyder and Leone.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery. (Amendments printed SJ 5/15/03 & 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Carson, Naro, Claudette Jean and Hager.

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Neil, Hall, Nelson Allan and DeJoie.

**HB 669-FN**, relative to dental care insurance for state employees and retired state employees. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Neil, Zolla, Irwin and Robert Wheeler.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. (Amendments printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Neil, Hamel, Robert Wheeler and Mitchell.

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Joseph Manning, MacKay, Seldin and Batula.

**HB 709-FN**, relative to nursing homes in receivership. (Amendment printed SJ 6/05/03)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Wendelboe, Shultis, Phyllis Katsakiores and Dalrymple.



**HB 748**, making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lawton, Royce, Richard Cooney and Brueggemann.

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas, Maxfield, Kaen and Leach.

**HB 509**, relative to access to motor vehicle records. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, John Flanders, Letourneau and Ferland.

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, John Flanders, Letourneau and Ferland.

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Roessner, Hughes, Ingram and Christine Hamm.

**HB 261**, relative to lucky 7 licenses. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Griffin, Gibson, McCormick and Christopher Pappas.

**HB 262**, relative to operators of bingo and games of chance. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Griffin, Gibson, McCormick and Christopher Pappas.

**HB 558**, relative to financial reports on bingo and lucky 7 operations. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jasper, Griffin, Gibson and Christopher Pappas.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs. (Amendment printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jeffrey Gilbert, Gibson, O'Neil and Kurk.

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Roessner, Thomas and Hager.

**HB 773**, establishing a committee to study a tuition tax credit program. (Amendments printed SJ 6/05/03)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Major, Mock, Packard and Ferland.

**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. The President appointed Sens. D'Allesandro, Gallus and Odell.

**HB 135-FN-L**, relative to charter schools.  
The President appointed Sens. O'Hearn, Johnson and Larsen.

**HB 175**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.  
The President Roberge, Clegg and D'Allesandro.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. The President appointed Sens. Boyce, Flanders and Larsen.

**HB 280-FN**, relative to the poison information center.  
The President appoints Sens. Martel, Boyce and Estabrook.

**HB 357-FN**, relative to child support insurance settlement intercept.  
The President appointed Sens. Sapareto, Peterson and Foster.

**HB 389**, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.  
The President appointed Sens. Prescott, Boyce and Cohen.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.  
The President appointed Sens. Boyce, Roberge and Cohen.

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants.  
The President appointed Sens. Gatsas, Morse and Larsen.

**HB 615-FN**, relative to the requirements for registration of sexual offenders.  
The President appointed Sens. Peterson, Sapareto and Foster.

**HB 621-FN-A-L**, establishing an early childhood literacy program.  
The President appointed Sens. Odell, O'Hearn and Foster.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.  
The President appointed Sens. O'Hearn, Boyce and Foster.

**HB 796-FN-L**, relative to the taxation of manufactured housing.  
The President appointed Sens. Roberge, Barnes and Larsen.

**RECESS****(Rep. Gilman in the Chair)****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.  
The President appointed Sens. Green, Boyce, Clegg and D'Allesandro. Alternate: Sen. Eaton.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.  
The President appointed Sens. Green, Boyce, Clegg and D'Allesandro. Alternate: Sen. Eaton.

**HB 25-FN-A**, making appropriations for capital improvements.  
The President appointed Sens. Clegg, Morse and D'Allesandro.

**RECESS**

**(Rep. Daniel Eaton in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 66, 75, 82, 123, 214, 240, 431, 460, 533, 560, 564, 578, 591, 605, 617, 684, 693, 694, 703, 758, 805, 816, 819 and 825, and Senate Bills numbered 40, 116, 133, 135, 139, 177, 180, 181, 193, 221 and 226.

Rep. Currier, Sen. D'Allesandro for the Committee

**RECESS****(Rep. Edwin Smith in the Chair)****SENATE MESSAGES****CONCURRENCE**

**HB 178**, relative to detention for violations of protective orders.

**HB 205**, relative to the use of criminal records and reports.

**HB 245**, relative to child custody decisions.

**HB 296**, relative to settlement agreements in medical malpractice suits.

**HB 447**, limiting retroactive child support awards under the uniform act on paternity.

**HB 486**, relative to access to child support enforcement records.

**HB 633-FN**, establishing the interstate compact for adult offender supervision.

**HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor.

**NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEE OF CONFERENCE**

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

The President appointed Sens. Flanders, Odell and Below.

Rep. Whalley moved that the House accede.

Adopted.

The Speaker appointed Reps. Major, Jeffrey Gilbert, Espieffs and Hager.

**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems.

The President appointed Sens. Prescott, Kenney and Estabrook.

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities.

The President appointed Sens. D'Allesandro, Gallus and Odell.

**HB 204**, relative to venue in juvenile proceedings.

The President appointed Sens. Peterson, Sapareto and Foster.

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases.

The President appointed Sens. Peterson, Roberge and Foster.

**HB 261**, relative to lucky 7 licenses.

The President appointed Sens. D'Allesandro, Boyce and Gallus.

**HB 262**, relative to operators of bingo and games of chance.

The President appointed Sens. D'Allesandro, Boyce and Gallus.

**HB 323**, relative to the task force on family law.

The President appointed Sens. Roberge, Peterson and Foster.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget.

The President appointed Sens. Johnson, O'Hearn and Larsen.

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.  
The President appointed Sens. Roberge, Sapareto and Foster.

**HB 509**, relative to access to motor vehicle records.  
The President appointed Sens. Kenney, Morse and Below.

**HB 558**, relative to financial reports on bingo and lucky 7 operations.  
The President appointed Sens. Gallus, D'Allesandro and Boyce.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery.  
The President appointed Sens. O'Hearn, Odell and D'Allesandro.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs.  
The President appointed Sens. Odell, Flanders and D'Allesandro.

**HB 709-FN**, relative to nursing homes in receivership.  
The President appointed Sens. Martel, Johnson and Estabrook.

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve.  
The President appointed Sens. Kenney, Barnes and Below.

**HB 748**, making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.  
The President appointed Sens. Odell, Johnson and Cohen.

**HB 773**, establishing a committee to study a tuition tax credit program.  
The President appointed Sens. Peterson, Odell and Below.

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.  
The President appointed Sens. Johnson, Gallus and Below.

## RECESS

### (Rep. Dickinson in the Chair)

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities.  
The President appointed Sens. Barnes, Martel and Larsen.

**HB 470**, relative to health insurance providers.  
The President appointed Sens. Flanders, Martel and Cohen.

**HB 546**, relative to uniform prescription drug information cards.  
The President appointed Sens. Flanders, Martel and Cohen.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.  
The President appointed Sens. Prescott, Martel and Estabrook.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan.  
The President appointed Sens. Gatsas, Morse and Cohen.

## RECESS

**(Rep. Hess in the Chair)****SENATE MESSAGE****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

The President appointed Sens. Green, Odell and D'Allesandro.

**RECESS****(Rep. Roessner in the Chair)****SENATE MESSAGES****NONCONCURRENCES**

**HB 298**, relative to physical child custody decisions.

**HB 468**, relative to enforcement of the labor protection statutes.

**HB 752**, relative to the distribution of business tax revenues to the education trust fund.

**RE-REFERRED TO COMMITTEE**

**HB 107**, relative to bingo.

**HB 108**, relative to the adoption of an optional veterans' property tax credit.

**HB 167**, relative to complaints against judges.

**HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

**HB 326**, relative to establishing a 6-year capital budget.

**HB 384**, relative to financial affidavits in domestic relations cases.

**HB 749**, relative to the description in a criminal complaint of the party accused.

**ENROLLED BILL AMENDMENTS**

**HB 690-FN**, relative to agricultural crop damage and relative to agricultural liming materials.

**Amendment (2020-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to agricultural vandalism and relative to agricultural liming materials.

Amend RSA 539:9, I as inserted by section 1 of the bill by replacing line 3 with the following:

pasture or pasture land, livestock or other farm raised animals, as defined in RSA 21:34-a, and all

Amend RSA 539:9, I as inserted by section 1 of the bill by replacing line 5 with the following:

livestock or other farm raised animals, or aid in such action without permission of the owner, shall

Adopted.

**HB 725**, relative to fraternal benefit societies.

**Amendment (2035-EBA)**

Amend RSA 418:1 as inserted by section 1 of the bill by replacing line 2 with the following:

without capital stock, including one exempted under RSA 418:36, I(b), whether incorporated or not,

Amend RSA 418:4, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Providing benefits as specified in RSA 418:15; and

Amend RSA 418:11 as inserted by section 1 of the bill by replacing line 2 with the following:

organizations to operate, not-for-profit institutions to further the purposes permitted in RSA 418:4, I(b).

Amend RSA 418:12, II as inserted by section 1 of the bill by replacing line 2 with the following:

another society in a consolidation or merger approved by the commissioner under RSA 418:13, or as

Amend RSA 418:28, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A power of attorney to the commissioner as prescribed in RSA 418:33;

Amend RSA 418 as inserted by section 1 of the bill by renumbering sections 31-38 to read as 30-37, respectively

Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

**CONFEREE CHANGE**

**HB 357-FN**, relative to child support insurance settlement intercept.

Rep. Gile replaced Rep. Barbara Richardson.

**SENATE MESSAGE**

**NONCONCURS WITH AMENDMENTS**

**REQUESTS COMMITTEE OF CONFERENCE**

**SB 42**, relative to charitable contributions by insurance agents.

The President appointed Sens. Odell, Flanders and Cohen.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Fraser, Donald Flanders and Meader.

**RECESS**

**(Rep. Giuda in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 368, 507, 565, 728, 738 and 763 and Senate Bills numbered 113, 157 and 179.

Rep. Currier, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Whalley in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 601, 690, 725 and 753 and Senate Bills numbered 94, 114 and 178.

Rep. Currier, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENTS**

**SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Corporate Park Tax Increment Financing District. (Amendment printed SJ 6/05/03)

Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

**CONFEREE CHANGES**

**HB 25-FN-A**, making appropriations for capital improvements.

Rep. Dodge replaced Rep. Weyler.

**HB 204**, relative to venue in juvenile proceedings.

Rep. Gile replaced Rep. Barbara Richardson.

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases.

Rep. Lionel Johnson replaced Rep. Gile.

**HB 323**, relative to the task force on family law.

Rep. Gile replaced Rep. Barbara Richardson.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute.

Rep. Dodge replaced Rep. Fesh.

**HB 606**, establishing a right-to-know study commission.

Rep. Dudley replaced Rep. Wall.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

Rep. Giuda replaced Rep. Wallner.

Rep. Robert Wheeler replaced Rep. Kurk.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. Rogers Johnson replaced Rep. Wallner.

Rep. Robert Wheeler replaced Rep. Kurk.

**SB 41-FN**, relative to the installation of airbags.

Rep. Dodge replaced Rep. Bergeron.

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

Rep. Jeffrey Gilbert replaced Rep. Cloutier.

**SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

Rep. Hall replaced Rep. Paul LaFlamme.

**SB 154**, relative to landlord access to rental properties.

Rep. Thomas replaced Rep. Woods.

**SB 155**, establishing a commission to study issues relative to water withdrawals.

Rep. Rausch replaced Rep. Chris Christensen.

**SB 163-FN**, relative to the procedures of the health services planning and review board.

Rep. Dodge replaced Rep. Sandra Harris.

## RECESS

(Rep. Royce in the Chair)

### ENROLLED BILL AMENDMENTS

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Amendment printed SJ 6/24/03)

Adopted.

**SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. (Amendment printed SJ 6/26/03)

Adopted.

**SB 130-FN-L**, relative to county departments of corrections. (Amendment printed SJ 6/24/03)

Adopted.

**SB 164**, relative to the unauthorized and deceptive use of a financial institution's name. (Amendment printed SJ 6/24/03)

Adopted.

**SB 197-FN**, relative to extended unemployment benefits and making an appropriation therefor. (Amendment printed SJ 6/24/03)

Adopted.

## RECESS

(Speaker Chandler in the Chair)

Rep. Hess moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 20**

Tuesday, June 24, 2003

The House assembled at 9:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate God, as summer spreads across our beloved New Hampshire and visitors come from around the world to visit our fair state, may they find here not only a place of great beauty, but also a citizenry thankful for democracy and for those who have sacrificed so much for the heritage of freedom we enjoy. May visitors also find us to be a people who care for those least able to care for themselves and who respect the dignity and worth of all their neighbors.

May Your blessing be with the members of this honorable House as they face the important issues of this day, and as always, we ask that Your protective hand be upon all those who serve in the armed forces, law enforcement agencies, emergency medical services and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Paul D. Spiess led the Pledge of Allegiance.

The National Anthem was sung by Shannon Manor, a recent graduate of University of Massachusetts at Amherst.

**LEAVES OF ABSENCE**

Reps. Mary Allen, Cernota, Flanagan, Ford, Greenberg and Hunter, the day, illness.

Reps. Bergin, Campbell, Clayton, Davidson, Easson, Hollinger, Ober, Ouellette, Pelletier, Donald Smith, Weldy and Woodward, the day, important business.

Rep. Mary Cooney, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Nancy Elliott, guest of Rep. Mooney. Walter Holland, guest of Rep. Hallyburton. Elizabeth Thomas, Ed Juengst and Will Fenno, guests of District 44, Hillsborough County. Wayne Furman, husband of Rep. Furman. Lois Stohl, wife of Rep. Stohl. Hon. Carol Holden, guest of Rep. Barry. Stan Pantell, guest of Rep. Diamond.

**SPECIAL GUEST**

Jennifer Patterson, a teacher from Mascoma Valley Regional High School who successfully intervened with an armed student in her classroom and John Moses, Superintendent, guests of District 17, Grafton County.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Hess moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel, removed by Rep. Cloutier.

Consent Calendar adopted.

**COMMITTEE OF CONFERENCE REPORTS ON SB 41**

Committee of Conference Report on **SB 41-FN**, an act relative to the installation of airbags  
Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Peterson, Dist. 11; Sapareto, Dist. 19; Foster, Dist. 13

Conferees: Reps. Packard, Rock. 75; Dodge, Rock 80; Ferland, Sull. 23; Letourneau, Rock. 77



**COMMITTEE OF CONFERENCE REPORT ON SB 42**

Committee of Conference Report on **SB 42**, relative to charitable contributions by insurance agents.  
 Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Odell, Dist. 8; Flanders, Dist. 7; Cohen, Dist. 24

Conferees: Reps. Hunt, Ches. 28; Fraser, Merr. 37; Donald Flanders, Belk. 30; Meader, Ches. 25

**COMMITTEE OF CONFERENCE REPORT ON SB 45**

Committee of Conference Report on **SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Barnes, Dist. 17; D'Allesandro, Dist. 20

Conferees: Reps. Brundige, Hills 58; Twombly, Straf. 67; Boyce, Belk. 31; Theberge, Coos. 3

**COMMITTEE OF CONFERENCE REPORT ON SB 60**

Committee of Conference Report on **SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Clegg, Dist. 14; Prescott, Dist. 23; Cohen, Dist. 24

Conferees: Reps. O'Neil, Rock. 85; Dexter, Ches. 27; Hall, Hills. 58; DeJoie, Merr. 39

**COMMITTEE OF CONFERENCE REPORT ON SB 62**

Committee of Conference Report on **SB 62**, relative to the application and enforcement of the state building code.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Clegg, Dist. 14; Larsen, Dist. 15

Conferees: Reps. Brundige, Hills 58; Gillick, Rock. 85; Buhlman, Hills. 66; Osborne, Merr. 40

**COMMITTEE OF CONFERENCE REPORT ON SB 63**

Committee of Conference Report on **SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Flanders, Dist. 7; Odell, Dist. 8; Below, Dist. 5

Conferees: Reps. Major, Rock. 79; Jeffrey Gilbert, Rock. 83; Espieffs, Ches. 25; Hager, Merr. 40

**COMMITTEE OF CONFERENCE REPORT ON SB 70**

Committee of Conference Report on **SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1, subparagraph I(a) with the following:

(a) The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge in the Atlantic Ocean.

Amend the bill by replacing section 3, paragraph I with the following:

I. The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge in the Atlantic Ocean.

Amend the bill by replacing section 3, paragraph VI with the following:

VI. The merits of forming a watershed district among area towns to provide for the collection, conveyance, and disposal of treated wastewater into the deep waters of the Atlantic Ocean and for other water-related purposes and an appropriate name for any districts recommended.

Conferees: Sens. Johnson, Dist. 2; Barnes, Dist. 17; Cohen, Dist. 24

Conferees: Reps. Royce, Ches. 28; Merrow, Carr. 6; Wiley, Rock. 77; Spang, Straf. 72

### COMMITTEE OF CONFERENCE REPORT ON SB 72

Committee of Conference Report on **SB 72**, relative to the regulation of small loans, title loans, and payday loans.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 399-A:2 as inserted by section 1 of the bill by deleting paragraph V.

Amend RSA 399-A:15 as inserted by section 1 of the bill by replacing it with the following:

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than one month. A title loan lender may allow such loan to be renewed no more than 11 additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least 5 percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by 5 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

Conferees: Sens. D'Allesandro, Dist. 20; Flanders, Dist. 7; Barnes, Dist. 17

Conferees: Reps. Hunt, Ches. 28; Spiess, Hills. 47; Stepanek, Hills. 47; DeStefano, Merr. 41

### COMMITTEE OF CONFERENCE REPORT ON SB 87

Committee of Conference Report on **SB 87**, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Barnes, Dist. 17; Cohen, Dist. 24

Conferees: Reps. Babson, Carr. 6; Williams, Graf. 16; Phinizy, Sull. 23; Ahern, Belk. 29

### COMMITTEE OF CONFERENCE REPORT ON SB 120

Committee of Conference Report on **SB 120**, relative to testimony by video teleconference in criminal cases.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 516:37 as inserted by section 1 of the bill by replacing it with the following:

**516:37 Testimony by Video Teleconference in Criminal Cases.**

I. In any criminal case at which a certifying scientist, criminalist, laboratory scientist, or technical specialist from the forensic laboratory of the department of safety, division of state police is summoned to testify, the state may move to take the testimony of the scientist, criminalist, or specialist by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted at the forensic laboratory. Notice shall be provided to the defendant, and the defendant shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the defendant. Examination and cross-examination of the scientist, criminalist, or specialist shall proceed in the same manner as permitted at trial.

II. In any criminal case at which the defendant summons a toxicologist, criminalist, laboratory scientist, or other person of similar expertise to testify as an expert witness, the defendant may move to take the testimony of that witness by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted at the forensic laboratory of the department of safety, division of state police. Notice shall be provided to the state, and the state shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the state. Examination and cross-examination of the expert witness shall proceed in the same manner as permitted at trial.

Conferees: Sens. Peterson, Dist. 11; Clegg, Dist. 14; Foster, Dist. 13

Conferees: Reps. Stevens, Carr., 7; Nedeau, Belk. 30; Tholl, Coos. 2; Timothy Robertson, Ches. 25

### **COMMITTEE OF CONFERENCE REPORT ON SB 121**

Committee of Conference Report on **SB 121-FN**, relative to mortgage originator registration.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 397-A:1, IX as inserted by section 1 of the bill by replacing it with the following:

IX. "Originator" means an individual who is employed or retained and supervised by a mortgage banker or broker required to be licensed under RSA 397-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan. No individual may act as an originator for more than one licensee.

Amend RSA 398-A:1, VI as inserted by section 4 of the bill by replacing it with the following:

VI. "Originator" means an individual who is employed or retained and supervised by a mortgage lender or broker required to be licensed under RSA 397-A or 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan. No individual may act as an originator for more than one licensee.

Conferees: Sens. Flanders, Dist. 7; Sapareto, Dist. 19; Larsen, Dist. 15

Conferees: Reps. Hunt, Ches. 28; Spiess, Hills. 47; Stepanek, Hills. 47; DeStefano, Merr. 41

### **COMMITTEE OF CONFERENCE REPORT ON SB 154**

Committee of Conference Report on **SB 154**, relative to landlord access to rental properties.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Sapareto, Dist. 19; Roberge, Dist. 9; Larsen, Dist. 15

Conferees: Reps. Craig, Hills. 50; Thomas, Belk. 31; Lasky, Hills. 65; Mock, Carr. 4

### **COMMITTEE OF CONFERENCE REPORT ON SB 174**

Committee of Conference Report on **SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Johnson, Dist. 2; Flanders, Dist. 7; Cohen, Dist. 24

Conferees: Reps. Bishop, Rock. 74; Paul Harrington, Hills. 60; Slocum, Hills. 47; Baroody, Hills. 54

**COMMITTEE OF CONFERENCE REPORT ON SB 212**

Committee of Conference Report on **SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Prescott, Dist. 23; Gatsas, Dist. 16; Below, Dist. 5

Conferees: Reps. O'Neil, Rock. 85; Hamel, Rock. 79; Nelson Allan, Hills. 63; Pilotte, Hills. 55

**COMMITTEE OF CONFERENCE REPORT ON SB 223**

Committee of Conference Report on **SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Flanders, Dist. 7; Clegg, Dist. 14; Foster Dist. 13

Conferees: Reps. Jeffrey Gilbert, Rock. 83; Hughes, Rock. 88; Christine Hamm, Merr. 34; King, Coos. 1

**REGULAR CALENDAR**

**COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

**COMMITTEE OF CONFERENCE REPORT ON SB 44**

Committee of Conference Report on **SB 44**, relative to penalties for vehicle dealers.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting sections 4 and 5 and renumbering section 6 to read as 4.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Conway Branch Railroad Study; Department of Transportation. The department of transportation shall study the cost and feasibility of reactivating the Conway Branch railroad line between Ossipee and Conway. The department may consult with the affected railroads, the regional planning agencies, potential shippers and other interested parties. The department shall make a report to the president of the senate and the speaker of the house of representatives on the results of this study on or before June 30, 2004.

Conferees: Sens. Kenney, Dist. 3; Morse, Dist. 22; Below, Dist. 5

Conferees: Reps. Packard, Rock. 75; John Flanders, Rock. 79; Letourneau, Rock. 77; Ferland, Sull. 23  
Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 54**

Committee of Conference Report on **SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Findings and Intent; Sections 6-16. The general court recognizes all the work in creating a set of proposed standards for the certification of assessments. There is reason for concern, however, that these standards may have an inequitable impact on municipalities within the state due to differences between municipalities in such characteristics as size, parcel count, number of sales, and geographic location. Therefore, the general court finds that in order for the state to continue to implement fair and equitable assessing practices, it is necessary to further analyze the assessing practices of the state's political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as guidelines for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these guidelines can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court.

6 Duties of Commissioner of Revenue Administration: Assessment; Equalization. Amend RSA 21-J:3, XXV and XXVI to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property in a particular city, town, or unincorporated place is disproportional to the valuation of other property within that city, town, or unincorporated place, *or whenever the municipality has not complied with RSA 75:8-a.*

XXVI. Review *and report* each municipality's assessments once within every 5 years [~~and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in~~] *pursuant to* RSA 21-J:11-a, II.

7 Assessment Certification Revised; Implementation of Assessment Guidelines. Amend RSA 21-J:11-a and RSA 21-J:11-b to read as follows:

21-J:11-a [Certification of Assessments] *Assessment Report.*

I. The commissioner shall [~~certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that~~] *report the degree to which assessments of a municipality achieve substantial compliance with applicable statutes and rules. The commissioner may consider whether:*

(a) Level of assessments and uniformity of assessments are within acceptable ranges as [~~prescribed~~] *recommended* by [state] *the* assessing standards *board* by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption[;] *and* credit[; ~~and abatement~~] procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. [~~If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:~~

(a) ~~If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.~~

(b) ~~If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.~~

HH. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, H.

**IV.] The commissioner shall issue a copy of the report upon its completion to the municipality and to the assessing standards board. When issued, the report shall be a public document.**

**III.** The assessing standards board shall study and recommend to the legislature whether municipalities should be reimbursed for expenses incurred as a result of changes in assessment practices resulting from legislation enacted in response to the judicial interpretation of part 2, article 6 of the New Hampshire constitution in *Evelyn Sirrell et al v State of New Hampshire et al* and, if reimbursement is appropriate, shall recommend a formula for implementation of a reimbursement program.

**21-J:11-b Implementation of [Certification] Assessment Review.**

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial [certification] **assessment** review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

**8 Duties of the Assessing Standards Board. Amend RSA 21-J:14-b, I and II to read as follows:**

I. The assessing standards board shall ~~adopt rules, pursuant to RSA 541-A, and~~ recommend **guidelines** and appropriate legislation relative to:

(a) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors. Such manual shall include the department of revenue administration's appraisal manual, a calendar of tasks to be completed on a periodic basis including those tasks required by state statute, and such other information as the board deems necessary. The board shall examine the report of the expert hired by the department of revenue administration.

(b) ~~[Standards]~~ **Guidelines** to be followed by assessors, selectmen, and boards of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(c) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The commissioner of the department of revenue administration shall be responsible for enforcement of those standards.

(d) The establishment of ~~[standards]~~ **guidelines** for monitoring of local assessment practices by the department of revenue administration, ~~[standards]~~ **guidelines** for the adequacy of tax maps and other records, and ~~[standards]~~ **guidelines** for audit by the department of revenue administration of municipalities.

(e) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

(f) Forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

(g) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

II. All ~~[standards]~~ **guidelines** and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing ~~[standards]~~ **guidelines** and practices. ~~[After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the board shall proceed to adopt any proposed rules.]~~

**9 Setting of Tax Rates. Amend RSA 21-J:35, I to read as follows:**

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. Any ~~[decision]~~ **assessments report issued** by the commissioner ~~[not to certify the assessments of a municipality]~~ pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.

**10 Property Taxation. Amend RSA 73:10 to read as follows:**

**73:10 Real Estate.** Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. Any

[decision] *assessments report issued* by the commissioner ~~[not to certify the assessments of a municipality]~~ pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.

11 Five-Year Valuation. Amend RSA 75:8-a to read as follows:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration ~~[certifies]~~ *reviews* a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

12 Assessment of Taxes. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 and RSA 21-J:9-c. Any ~~[decision]~~ *assessments report issued* by the commissioner ~~[not to certify the assessments of a municipality]~~ pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.

13 Appraisal of Taxable Property; Revised Inventory; Guidelines. Amend RSA 75:8, I to read as follows:

I. Annually, and in accordance with state assessing ~~[standards]~~ *guidelines*, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

14 Power of Tax Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. Any ~~[decision]~~ *assessments report issued* by the commissioner ~~[not to certify the assessments of a municipality]~~ pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.

15 Revenue Administration; Initial Assessment Review Schedule. Amend 2001, 158:63 to read as follows:

158:63 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this section, of the property tax year for which their initial ~~[certification]~~ *assessment* review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

16 Repeal. RSA 21-J:9-b, relative to petition for order of reassessment, is repealed.

17 Effective Date. This act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill clarifies the duty of local tax officials to assess and collect property taxes on property valued as of April 1.

This bill also requires the department of revenue administration to establish and report on municipal property tax assessment guidelines

Conferees: Sens. Boyce, Dist. 4; Green, Dist. 6; Below, Dist. 5

Conferees: Reps. Patten, Carr. 7; Stohl, Coos. 1; Twombly, Straff. 67; Theberge, Coos. 3

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 98

Committee of Conference Report on *SB 98-FN*, prohibiting telemarketers from contacting customers on a federal do-not-call registry.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

I Use of Automatic Telephone Dialing Systems; Chapter Heading Amended. Amend the chapter heading of RSA 359-E to read as follows:

CHAPTER 359-E  
[~~USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS AND CALLER  
IDENTIFICATION SERVICES~~]

**TELEMARKETING**

2 New Subdivision Heading; Use of Automatic Telephone Dialing Systems and Caller Identification Services. Amend RSA 359-E by inserting, preceding RSA 359-E:1, the following subdivision heading:

Use of Automatic Telephone Dialing Systems and Caller Identification Services

3 New Subdivision; Telemarketing Sales Calls. Amend RSA 359-E by inserting after section 6 the following new subdivision:

Telemarketing Sales Calls

359-E:7 Definitions. In this subdivision:

I. "Bureau" means the consumer protection bureau of the office of the attorney general.

II. "Customer" means any natural person who is a resident of this state and who is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.

III. "Do-not-call list" means a list of residential telephone subscribers who have notified the list administrator of their desire not to receive telemarketing sales calls.

IV. "Doing business in this state" means conducting telephonic sales calls from a location:

(a) In this state; or

(b) Outside of this state to consumers residing in this state.

V. "Established business relationship" means an established business relationship as defined by the Federal Trade Commission Telemarketing Sales Rule, 16 C.F.R. part 310, section 310.2(n), as amended.

VI. "Goods and services" means any goods and services, and shall include any real property or any tangible personal property as well as time share estates and licenses or services of any kind.

VII. "List administrator" means the Federal Trade Commission.

VIII. "Person" means any natural person, association, partnership, firm, corporation and its affiliates or subsidiaries, or other business entity.

IX. "Telemarketer" means any person who, for financial profit or commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this state or any person who directly controls or supervises the conduct of a telemarketer or causes to be made a telemarketing call on such seller's own behalf or through a salesperson. For the purposes of this subdivision, "commercial purposes" shall mean the sale or offer for sale of goods or services.

X. "Telemarketing" means any plan, program, or campaign which is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more telephones and which involves more than 5 telephone calls per month by a telemarketer in which the customer is located within the state at the time of the call. Telemarketing shall not include the solicitation of sales through media other than by telephone calls.

XI. "Telemarketing sales call" means a telephone call made by a telemarketer to a customer for the purpose of inducing payment or the exchange of any other consideration for any goods or services or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes. A telemarketing sales call shall not include a call made:

(a) In response to an express written or verbal request of the customer called.

(b) In connection with an established business relationship.

(c) On behalf of a nonprofit charity.

(d) On behalf of a newspaper to build its own circulation, provided that the telemarketer making such call has used and observed with respect to such call the do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc., Farmingdale, New York, or its successor organization.

(e) On behalf of a political campaign, except that a call made on behalf of a political campaign by a vendor using automatic dialing equipment shall be deemed a telemarketing sales call under this chapter.



**359-E:8 Prohibited Telemarketing Sales Calls.**

I. Telemarketers are prohibited from conducting telemarketing sales calls to any customer who has registered his or her name or telephone number with the do-not-call registry maintained by the list administrator or Federal Trade Commission. In the case of telemarketers regulated by the Federal Communications Commission, this chapter shall apply in a manner consistent with rules concerning a national do-not-call list developed by that agency.

II. In addition, any person who is required to comply with the Federal Trade Commission Telemarketing Sales Rule, 16 C.F.R. part 310, as amended, shall also comply with the provisions of the Federal Trade Commission Telemarketing Sales Rule for telemarketing sales calls made within the state of New Hampshire. This section shall also apply to any person who would be required to comply with the Federal Trade Commission Telemarketing Sales Rule, if such person were making interstate telemarketing sales calls.

**359-E:9 Telemarketers' Obligation to Obtain Do-Not-Call List.** Telemarketers making telemarketing sales calls to customers in the state of New Hampshire shall obtain from the list administrator quarterly listings of customers in the state who have registered with the list administrator for inclusion in its do-not-call list.

**359-E:10 Duties of List Administrator.** The list administrator:

I. Shall provide the bureau with a copy of each quarterly do-not-call list.

II. Shall provide the bureau with the names and addresses of each telemarketer who purchases the do-not-call list.

III. Except as directed by the bureau, shall be prohibited from disclosing or using in any way customer names, addresses, or telephone numbers obtained in the course of registering customers' telephone numbers on the do-not-call list.

**359-E:11 Violations; Penalties.**

I. The department of justice shall investigate any complaints received concerning violations of this subdivision or RSA 664:14-a. If, after investigating the complaint, the department finds that a person has violated any provision of this subdivision or RSA 664:14-a, the department shall impose a civil penalty of \$5,000 for each violation.

II. Any person injured by another's violation of this subdivision may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act or practice was a willful or knowing violation of this subdivision, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this subdivision without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

III. Notwithstanding paragraph I, a telemarketer shall not be held liable for violating this subdivision if the telemarketer can demonstrate by clear and convincing evidence that, as part of the telemarketer's routine business practice:

(a) The telemarketer established and implemented written procedures to comply with this subdivision.

(b) The telemarketer trained his or her personnel in the requirements of this subdivision.

(c) The telemarketer uses a process to prevent telemarketing to any telephone number on any do-not-call list or registry referenced in this subdivision; maintains the current, quarterly version of the list or registry; and maintains records documenting this process.

(d) The telemarketer monitors and enforces compliance with the procedures established under subparagraph (a).

(e) The telemarketer uses a version of the do-not-call list obtained no more than 3 months prior to the date that any call is made.

(f) Any subsequent call otherwise violating this subdivision is not part of a pattern of calls made in violation of this subdivision and is the result of a good faith error.

**4 Use of Automatic Dialing Systems and Caller Identification Services; Violation; Reference Change.** Amend RSA 359-E:6 to read as follows:

359-E:6 Violations. Any violation of the provisions of this [chapter] *subdivision* shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this chapter. Such remedies shall be in addition to any other remedies provided by law or equity.

5 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

6 Prospective Repeal. RSA 359-E:7, XI(d), relative to the exemption for telemarketing sales calls made on behalf of a newspaper to build its circulation, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect August 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees: Sens. Green, Dist. 6; Roberge, Dist. 9; Estabrook, Dist. 21

Conferees: Reps. Hunt, Ches. 28; Fraser, Merr. 37; Thomas, Belk. 31; Coes, Rock. 82

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 115

Committee of Conference Report on *SB 115*, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Prescott, Dist. 23; Flanders, Dist. 7; Cohen, Dist. 24

Conferees: Reps. Camm, Rock. 79; Ingram, Rock. 76; Christine Hamm, Merr. 34; Robert Wheeler, Hills. 48

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 134

Committee of Conference Report on *SB 134*, relative to the regulation of real estate brokers by the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 9 and renumbering the original sections 10-12 to read as 9-11, respectively.

Conferees: Sens. Gallus, Dist. 1; Roberge, Dist. 9; Larsen, Dist. 15

Conferees: Reps. O'Neil, Rock. 85; Zolla, Rock. 77; Paul LaFlamme, Hills. 61; Fitzgerald, Belk. 30

Adopted.

Reps. Baroody, DeStefano, Daniel Eaton and Phinizy declared conflicts of interest and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 155

Committee of Conference Report on *SB 155*, establishing a commission to study issues relative to water withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section I with the following:

1 Commission Established. The general court recognizes that the waters of New Hampshire are a precious and invaluable resource upon which there is an ever increasing demand for existing, new, and competing uses. The general court further recognizes that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire. Therefore, there is hereby estab-

lished a commission to study ways to clarify the hierarchy of water uses while considering existing private property rights, to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to review the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2004.

Conferees: Sens. Johnson, Dist. 2; Prescott, Dist. 23; Below, Dist. 5

Conferees: Reps. Richard Cooney, Rock. 76; Rausch, Rock. 77; Charles LaFlamme, Hills. 50; Spang, Straf. 72

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 227**

Committee of Conference Report on *SB 227*, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Prescott, Dist. 23; Kenney, Dist. 3; Cohen, Dist. 24

Conferees: Reps. O'Neil, Rock. 85; Bergin, Hills. 47; Fitzgerald, Belk. 30; Francis Sullivan, Hills. 52

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 229**

Committee of Conference Report on *SB 229*, making reference changes to the school building aid statutes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; O'Hearn, Dist. 12; Larsen, Dist. 15

Conferees: Reps. Stephen L'Heureux, Merr. 37; Alger, Graf. 14; Colcord, Merr. 34; Claire Clarke, Merr. 35

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SENATE BILL REMOVED FROM THE CONSENT CALENDAR**

### **COMMITTEE OF CONFERENCE REPORT ON SB 47**

Committee of Conference Report on *SB 47-FN*, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Flanders, Dist. 7; Morse, Dist. 22; D'Allesandro, Dist. 20

Conferees: Reps. Edwin Smith, Ches. 26; Kenison, Merr. 41; Jeffrey Gilbert, Rock. 83; Weyler, Rock. 79

Rep. Cloutier spoke against.

Rep. Edwin Smith spoke in favor and yielded to questions.

On a division vote, 201 members having voted in the affirmative and 146 in the negative, the Committee of Conference Report was adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 112, 178, 205, 210, 245, 259, 281, 295, 296, 302, 393, 447, 486, 568, 674, 724, 737 and 810 and Senate Bills numbered 16, 21, 46, 58, 73, 76, 77, 80, 85, 86, 90, 110, 119, 136, 149, 152, 161, 162 and 184.

Rep. Currier, Sen. D'Allesandro for the Committee

**REGULAR CALENDAR (CONT'D.)****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Report printed in SJ 6/24/03)

Rep. Wendelboe spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Newton, Diamond, Gibson, John Pratt, Jasper, Timothy Robertson, Splaine, Phinizy, Peter Sullivan, and McEachern spoke against.

Reps. Weyler, Jacobson, Espieffs, French, Leach, Bleyler, Wallner, Almy, and Daniel Eaton spoke in favor.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

**YEAS 235 NAYS 124****YEAS 235****BELKNAP**

Allen, Janet  
Fitzgerald, James  
Pilliod, James

Bartlett, Gordon  
Flanders, Donald  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Thomas, John

Clark, Charles  
Nedeau, Stephen  
Whalley, Michael

**CARROLL**

Brown, Carolyn  
McConkey, Mark  
Philbrick, Donald

Derby, Mark  
Morrow, Harry  
Stevens, Stanley

Dickinson, Howard  
Olimpio, J Lisbeth

Hatch, Paul  
Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
Espieffs, Peter  
Liebl, George  
Parkhurst, Henry  
Slack, Pamela

Dexter, Judson  
Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Smith, Edwin

Dunn, James  
Hunt, John  
Meador, David  
Richardson, Barbara

Eaton, Daniel  
Laurent, John  
Mitchell, McKim  
Royce, H Charles

**COOS**

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Giuda, Robert  
Scovner, Nancy

Alger, John  
Densmore, Edward  
Hammond, Lee  
Sokol, Hilda

Almy, Susan  
Dudley, Terri  
Naro, Debra  
Solomon, Peter

Benn, Bernard  
Gilman, G Michael  
Nordgren, Sharon

**HILLSBOROUGH**

Balcom, John  
Brundige, Robert  
Carter, Jeffrey  
Desmarais, Vivian  
Emerton, Larry  
Graham, John

Baroody, Benjamin  
Buckley, Raymond  
Carter, Mark  
Dionne, Kimberley  
Fields, Dennis  
Haley, Robert

Batula, Peter  
Cail, Kenneth  
Christensen, D L Chris  
Dokmo, Cynthia  
Furman, Christine  
Hall, Charles

Brassard, Paul  
Carlson, Donald  
Cote, Peter  
Drisko, Richard  
Gargas, Carolyn  
Hallyburton, Margaret

Haytayan, Harry Jr  
Kony, Christine  
Lallamme, Charles  
Mercer, Robert  
Moran, Edward  
Pilotte, Maurice  
Shaw, Barbara

Irwin, Anne-Marie  
Kopka, Angeline  
Leach, Edward  
Messier, Irene  
O'Brien, Lori  
Price, Pamela  
Spiess, Paul

Johnson, Lionel  
Kurk, Neal  
Lefebvre, Roland  
Milligan, Robert  
Pappas, Christopher  
Ross, Lawrence  
Tate, Joan

Katsiantonis, Thomas  
L'Heureux, Robert  
Malloy, Chris  
Mooney, Maureen  
Pepino, Leo  
Rowe, Robert  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Osborne, Jessie  
Reed, Dennis

Blanchard, Elizabeth  
Colcord, J D  
DeJoie, John  
Hager, Elizabeth  
Kenison, Leon  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna

Bouchard, Candace  
Currier, David  
Fraser, Leo Jr  
Hamm, Christine  
Kennedy, Richard  
MacKay, James  
Potter, Frances  
Seldin, Gloria

Brueggemann, Donald  
Daniels, Eric  
French, Barbara  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Casey, Kimberley  
Dalrymple, Janeen  
Flanders, John Sr  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
Major, Norman  
Morris, Richard  
Packard, Sherman  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Weare, E Albert

Blanchard, MaryAnn  
Coes, Betsy  
DiFruscia, Anthony  
Francoeur, Sheila  
Gould, Kenneth  
Johnson, Robert  
Kelley, Jane  
Manning, John  
Norelli, Terie  
Pantelakos, Laura  
Rausch, James  
Scamman, Stella  
Tufts, J Arthur  
Welch, David

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Noyes, Richard  
Pitts, Jacqueline  
Robertson, Carl  
Shultis, Elizabeth  
Vallone, Matthew  
Weyler, Kenneth

Carson, Sharon  
Corbin, Corey  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Roessner, Kurt  
Smith, Paul  
Waterhouse, Kevin  
Zolla, William

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Johnson, Nancy  
Miller, Joseph  
Schmidt, Peter  
Twombly, James

Bickford, David  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Scott, David  
Vachon, Dennis

Brown, Julie  
Heon, Richard  
Keans, Sandra  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Creteau, Irene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Snyder, Clair

### SULLIVAN

Allison, David  
Flint, Gordon Sr

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Rodeschin, Beverly

### NAYS 124

### BELKNAP

Ahern, Omer Jr  
Rice, Thomas

Dewhirst, Glenn  
Wendelboe, Fran

Laflam, Robert

Lawton, David

### CARROLL

Babson, David Jr

Kenney, Bettie

Mock, Henry

### CHESHIRE

### COOS

None

Brady, Mark

**GRAFTON**

Barker, Robert  
Gionet, Edmond  
Sorg, Gregory

Diamond, Estelle  
Ham, Bonnie  
Williams, Burton

Dorsett, Andrew  
Ingbretonson, Paul

Eaton, Stephanie  
Maybeck, Margie

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Bergeron, Jean-Guy  
Chabot, Robert  
Coughlin, Pamela  
Gibson, John  
Hagan, Barbara  
Hinkle, Peyton  
Jasper, Shawn  
Lasky, Bette  
McHugh, Claire  
Pappas, Marc  
Slocum, Lee  
Sullivan, Jeffrey  
Vaillancourt, Steve

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Christiansen, Lars  
Crane, Elenore Casey  
Gonzalez, Carlos  
Hansen, Ryan  
Holden, Randolph  
Jean, Claudette  
Lawrence, James  
McRae, Karen  
Reeves, Sandra  
Souza, Kathleen  
Sullivan, Peter  
Wheeler, James

Allen, Timothy  
Barry, J Gail  
Bruno, Pierre  
Clemons, Jane  
Elliott, Larry  
Gorman, Mary  
Harrington, Paul  
Hopper, Gary  
Kerns, J Edward  
Lessard, Rudy  
Mosher, William  
Scanlon, Michael  
Stepanek, Stephen  
Sweeney, Cynthia

Arnold, Thomas Jr  
Beaton, William  
Buhlman, David  
Cote, David  
Fletcher, Richard  
Goyette, Peter Jr  
Hawkins, Ken  
Infantine, William  
LaFlamme, Paul  
McElroy, Henry Jr  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Francis  
Tahir, Saghir

**MERRIMACK**

DeStefano, Stephen  
Langer, Ray  
Oliver, James

Dunne, Christopher  
Marple, Richard  
Owen, Derek

Field, William  
McCormick, Tom  
Soltani, Tony

Foley, Albert  
Nutter, Edward

**ROCKINGHAM**

Bicknell, Elbert  
Clark, Vivian  
Flayhan, Mary Lou  
Introne, Robert  
McMahon, Charles  
Wiley, Robert

Bishop, Franklin  
Duffy, James  
Gilbert, Karl  
Itse, Daniel  
Moore, Benjamin  
Winchell, George

Cady, Harriet  
Dumaine, Dudley  
Headd, James  
Kobel, Rudolph  
Putnam, Ed II

Camm, Kevin  
Dupuis, Roland  
Hughes, Daniel  
Letourneau, Robert  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Newton, Clifford

Bemis, Alan  
Spang, Judith

Cataldo, Sam  
Taylor, Kathleen

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Ferland, Brenda  
Phinzy, James

Franklin, Peter

Harris, Joseph

Harris, Sandra

and the Committee of Conference Report was adopted.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 25-FN-A**, making appropriations for capital improvements. (Report printed in SJ 6/24/03)  
Report adopted.

**MOTION TO PRINT DEBATE**

Rep. Burling moved that the debate on **HB 25-FN-A**, making appropriations for capital improvements, be printed in the Journal.

Motion failed.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Bruno requested that his protest be entered on the Journal.

Whereas, we have had many debates over the issue of groundwater supply in the past two sessions, and whereas, the likely outcome of this session will include a commission on groundwater withdrawals and a chaptered study committee on water resources, and

whereas, the Department of Environmental Services has expressed that it will be updating the New Hampshire "Drought Management Plan" presently, and whereas, the State Geologist is limited to monitoring groundwater resources at only 25 sites for the entire state and expressed desire to increase the resolution of this data by adding an additional 25 observation wells for a cost of \$196,000.00 which has been eliminated from this budget by the Committee of Conference, and

whereas, the Estuary Wastewater Project Study, SB 70, creating a commission, originally came to the House showing a \$1,000,000.00 fiscal note that was removed by Senate amendment #2003-1225s in order to gather support for the policy, and

whereas, a \$1,000,000.00 appropriation was made by the Senate for the Estuary Wastewater Project Study under the guise of capital improvements, while the critical groundwater information afforded by 25 observation wells that the State Geologist needs to provide to other established commissions, committees and the public has been eliminated;

therefore, since a study is not a capital improvement, and since SB 70 would have met much greater House scrutiny with a \$1,000,000.00 fiscal note and since valuable groundwater information necessary for committees and commissions formed for the purpose of studying that information will not be available because of the elimination of the State Geologist's request for \$196,000.00 to install observation wells, a true capital improvement, I now enter my protest to the passage of HB 25-FN-A.

Respectfully submitted on this 24<sup>th</sup> day of June, 2003.  
Rep. Pierre W. Bruno

The House recessed at 1:00 p.m.

## RECESS

(Speaker Chandler in the Chair)

The Speaker reconvened the House at 2:10 p.m.

## REGULAR CALENDAR (CONT'D.)

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. (Report printed in SJ 6/24/03)

Reps. Harrington and Soltani spoke against.

Rep. O'Neil spoke in favor.

On a division vote, 169 members having voted in the affirmative and 165 in the negative, the Committee of Conference Report was adopted.

**HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Report printed in SJ 6/24/03)

Report adopted.

**HB 135-FN-L**, relative to charter schools. (Report printed in SJ 6/24/03)

On a division vote, 216 members having voted in the affirmative and 122 in the negative, the Committee of Conference Report was adopted.

**HB 139**, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education. (Report printed in SJ 6/24/03)

Report adopted.

**HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities. (Report printed in SJ 6/24/03)

Report adopted.

**HB 175**, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Report printed in SJ 6/24/03)

Report adopted.

**HB 185**, relative to pretermitted heirs. (Report printed in SJ 6/24/03)

Report adopted.

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts. (Report printed in SJ 6/24/03)

Report adopted.

**HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (Report printed in SJ 6/24/03)

Report adopted.

**HB 204**, relative to venue in juvenile proceedings. (Report printed in SJ 6/24/03)

Report adopted.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. (Report printed in SJ 6/24/03)

Report adopted.

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases. (Report printed in SJ 6/24/03)

Report adopted.

**HB 261**, relative to lucky 7 licenses. (Report printed in SJ 6/24/03)

Report adopted.

**HB 262**, relative to operation of bingo and games of chance. (Report printed in SJ 6/24/03)

Report adopted.

**HB 287**, establishing a professional malpractice claims study commission. (Report printed in SJ 6/24/03)

Report adopted.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. (Report printed in SJ 6/24/03)

Report adopted.

**HB 303**, relative to life, accident, and health technicals. (Report printed in SJ 6/24/03)

Report adopted.

**HB 310**, establishing a commission to study child support issues. (Report printed in SJ 6/24/03)

Report adopted.

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. (Report printed in SJ 6/24/03)

Report adopted.

**HB 323**, relative to the task force on family law. (Report printed in SJ 6/24/03)

Report adopted.

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. (Report printed in SJ 6/24/03)

Report adopted.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget. (Report printed in SJ 6/24/03)

Report adopted.

**HB 357-FN**, relative to child support insurance settlement intercept. (Report printed in SJ 6/24/03)

Report adopted.

**HB 361-L**, permitting municipalities to form regional water districts. (Report printed in SJ 6/24/03)

Report adopted.

**HB 387-FN**, allowing free admission to the state park system for certain members of the New Hampshire national guard. (Report printed in SJ 6/24/03)

Report adopted.



**HB 389**, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund. (Report printed in SJ 6/24/03)

Report adopted.

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof. (Report printed in SJ 6/24/03)

Report adopted.

**HB 420**, relative to state-owned trails and parking lots in the town of Windham. (Report printed in SJ 6/24/03)

Report adopted.

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities. (Report printed in SJ 6/24/03)

Report adopted.

**HB 470**, relative to health insurance providers. (Report printed in SJ 6/24/03)

Report adopted.

**HB 481**, establishing a committee to study the pricing of milk products. (Report printed in SJ 6/24/03)

Report adopted.

**HB 509**, relative to access to motor vehicle records. (Report printed in SJ 6/24/03)

Report adopted.

**HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (Report printed in SJ 6/24/03)

Report adopted.

**HB 546**, relative to uniform prescription drug information cards. (Report printed in SJ 6/24/03)

Report adopted.

**HB 558**, relative to financial reports on bingo and lucky 7 operations. (Report printed in SJ 6/24/03)

Report adopted.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. (Report printed in SJ 6/24/03)

Rep. Buckley spoke against and yielded to questions.

Rep. Dickinson spoke in favor.

Rep. Konys requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

## YEAS 224 NAYS 129

### YEAS 224

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Lafam, Robert  
Rice, Thomas  
Whalley, Michael

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Russell, David

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

#### CHESHIRE

Fish, Douglas  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

Liebl, George

**COOS**

Guay, Lawrence  
Tholl, John Jr

King, Frederick

Richardson, Herbert

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Ingbreton, Paul  
Sorg, Gregory

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie  
Williams, Burton

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Solomon, Peter

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Desmarais, Vivian  
Elliott, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hansen, Ryan  
Hinkle, Peyton  
Kurk, Neal  
Lawrence, James  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Harrington, Paul  
Holden, Randolph  
L'Heureux, Robert  
Leach, Edward  
Mercer, Robert  
Moran, Edward  
Pepino, Leo  
Scanlon, Michael  
Tahir, Saghir

Allen, Timothy  
Balcom, John  
Bergeron, Jean-Guy  
Buhlman, David  
Carter, Mark  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gibson, John  
Hall, Charles  
Hawkins, Ken  
Jasper, Shawn  
Laflamme, Charles  
Lessard, Rudy  
Messier, Irene  
Mosher, William  
Price, Pamela  
Souza, Kathleen  
Vaillancourt, Steve

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Johnson, Lionel  
LaFlamme, Paul  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Reeves, Sandra  
Spiess, Paul  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Field, William  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Oliver, James

Coldcord, J D  
Foley, Albert  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Currier, David  
Fraser, Leo Jr  
Kenison, Leon  
Leber, William  
Maxfield, Roy

Dunne, Christopher  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom

**ROCKINGHAM**

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
Dupuis, Roland  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McMahon, Charles  
Putnam, Ed II  
Scamman, Stella  
Vallone, Matthew  
Welch, David  
Zolla, William

Bicknell, Elbert  
Cam, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Morris, Richard  
Quandt, Matthew  
Smith, Paul  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Carson, Sharon  
Dodge, Robert  
Flanders, John Sr  
Gillick, Thomas  
Headd, James  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
O'Neil, Michael  
Rausch, James  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Bridle, Russell  
Clark, Vivian  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gleason, John  
Hughes, Daniel  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
Packard, Sherman  
Ruffner, Walter  
Tufts, J Arthur  
Weare, E Albert  
Winchell, George

**STRAFFORD**

Bemis, Alan  
Dunlap, Patricia  
Twombly, James

Bickford, David  
Harrington, Michael  
Woods, Phyllis

Brown, Julie  
Newton, Clifford

Cataldo, Sam  
Scott, David

**SULLIVAN**

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

**NAYS 129****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Allen, Peter

Batchelder, Robert

Dexter, Judson

Dunn, James

Eaton, Daniel

Espieffs, Peter

Manning, Joseph

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

**COOS**

Brady, Mark

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

**GRAFTON**

Alger, John

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Densmore, Edward

Diamond, Estelle

Ham, Bonnie

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

**HILLSBOROUGH**

Baroody, Benjamin

Brassard, Paul

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Gorman, Mary

Hagan, Barbara

Haley, Robert

Irwin, Anne-Marie

Jean, Claudette

Katsiantonis, Thomas

Konys, Christine

Kopka, Angeline

Lasky, Bette

Lefebvre, Roland

Malloy, Chris

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Ross, Lawrence

Schulze, Joan

Shaw, Barbara

Slocum, Lee

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

Tate, Joan

Wheeler, James

**MERRIMACK**

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Davis, Frank

DeJoie, John

DeStefano, Stephen

French, Barbara

Gile, Mary

Hamm, Christine

Nutter, Edward

Osborne, Jessie

Owen, Derek

Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn

Casey, Kimberley

Coes, Betsy

Corbin, Corey

Gilbert, Karl

Gould, Kenneth

Ingram, Russell

Itse, Daniel

Langone, John

McEachern, Paul

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Priestley, Anne

Robertson, Carl

Roessner, Kurt

Shultis, Elizabeth

Splaine, James

**STRAFFORD**

Berube, Roger

Creteau, Irene

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Musler, George

Rollo, Deanna

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Vachon, Dennis

Wall, Janet

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Harris, Joseph

Harris, Sandra

Phinizy, James

and the Committee of Conference Report was adopted.

**HB 590-FN**, relative to highway fund budget reporting requirements. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 606**, establishing a right-to-know study commission. (Report printed in SJ 6/24/03)

Rep. Burling spoke against.

Rep. Mock spoke in favor and yielded to questions.

Rep. Almy requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

## YEAS 244 NAYS 111

### YEAS 244

#### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Laflam, Robert  
Rice, Thomas  
Whalley, Michael

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Russell, David

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrow, Harry  
Philbrick, Donald

#### CHESHIRE

Dexter, Judson  
Liebl, George  
Smith, Edwin

Fish, Douglas  
Manning, Joseph

Hunt, John  
Pratt, John

Laurent, John  
Royce, H Charles

#### COOS

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Ham, Bonnie  
Sorg, Gregory

Alger, John  
Gilman, G Michael  
Ingbreton, Paul  
Williams, Burton

Barker, Robert  
Gionet, Edmond  
Maybeck, Margie

Dudley, Terri  
Giuda, Robert  
Naro, Debra

#### HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
Johnson, Lionel  
LaFlamme, Paul  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Price, Pamela

Allan, Nelson  
Balcom, John  
Bergeron, Jean-Guy  
Buhlman, David  
Carter, Mark  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gibson, John  
Hagan, Barbara  
Harrington, Paul  
Holden, Randolph  
Kurk, Neal  
Lawrence, James  
McRae, Karen  
Mooney, Maureen  
Pappas, Marc  
Reeves, Sandra

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Hall, Charles  
Hawkins, Ken  
Hopper, Gary  
L'Heureux, Robert  
Leach, Edward  
Mercer, Robert  
Moran, Edward  
Pepino, Leo  
Ross, Lawrence

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Desmarais, Vivian  
Elliott, Larry  
Furman, Christine  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Jasper, Shawn  
Laflamme, Charles  
Lessard, Rudy  
Messier, Irene  
Mosher, William  
Pilotte, Maurice  
Rowe, Robert

Scanlon, Michael  
Stepanek, Stephen  
Wheeler, Robert

Slocum, Lee  
Tahir, Saghir

Souza, Kathleen  
Tate, Joan

Spieß, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Field, William  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Oliver, James

Colcord, J D  
Foley, Albert  
Kenison, Leon  
Leber, William  
Maxfield, Roy  
Reed, Dennis

Currier, David  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
McCormick, Tom  
Soltani, Tony

Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Nutter, Edward

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Priestley, Anne  
Roessner, Kurt  
Stone, Joseph  
Weare, E Albert  
Winchell, George

Bicknell, Elbert  
Camm, Kevin  
Dalrymple, Janeen  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Morris, Richard  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
O'Neil, Michael  
Quandt, Matthew  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
Packard, Sherman  
Rausch, James  
Smith, Paul  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Bemis, Alan  
Creteau, Irene  
Kaen, Naida  
Spang, Judith

Bickford, David  
Dunlap, Patricia  
Keans, Sandra  
Twombly, James

Brown, Julie  
Harrington, Michael  
Newton, Clifford  
Woods, Phyllis

Cataldo, Sam  
Johnson, Nancy  
Scott, David

### SULLIVAN

Flint, Gordon Sr

Leone, Richard

Rodeschin, Beverly

### NAYS III

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Pratt, Irene  
Tilton, Anna

Batchelder, Robert  
Meader, David  
Richardson, Barbara  
Webber, Amy

Dunn, James  
Mitchell, McKim  
Robertson, Timothy  
Weed, Charles

Eaton, Daniel  
Parkhurst, Henry  
Slack, Pamela

### COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

### GRAFTON

Almy, Susan  
Diamond, Estelle  
Scovner, Nancy

Benn, Bernard  
Dorsett, Andrew  
Sokol, Hilda

Bleyler, Ruth  
Hammond, Lee  
Solomon, Peter

Densmore, Edward  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, Timothy	Baroody, Benjamin	Brassard, Paul	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Gorman, Mary
Haley, Robert	Irwin, Anne-Marie	Jean, Claudette	Katsiantonis, Thomas
Konys, Christine	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Malloy, Chris	Movsesian, Lori	Pappas, Christopher	Schulze, Joan
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Wheeler, James			

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Osborne, Jessie
Owen, Derek	Perkins, Randy	Potter, Frances	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

**ROCKINGHAM**

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Corbin, Corey
Gould, Kenneth	McEachern, Paul	McMahon, Charles	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

**STRAFFORD**

Berube, Roger	Grassie, Anne	Heon, Richard	Hofemann, Roland
Knowles, William	Miller, Joseph	Musler, George	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Phinzy, James		

and the Committee of Conference Report was adopted.

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants. (Report printed in SJ 6/24/03)

Reps. Jacobson, Christine Hamm, Hughes and Burling spoke against.

Reps. Major and Jeffrey Gilbert spoke in favor.

Rep. King spoke in favor and yielded to questions.

Rep. Zolla requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

**YEAS 196 NAYS 154**

**YEAS 196****BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Flanders, Donald	Laflam, Robert	Lawton, David
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Whalley, Michael			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	McConkey, Mark	Morrow, Harry	Mock, Henry
Patten, Betsey	Stevens, Stanley		

**CHESHIRE**

Dexter, Judson	Hunt, John	Laurent, John	Liebl, George
Royce, H Charles	Smith, Edwin		

**COOS**

Brady, Mark  
Richardson, Herbert

Guay, Lawrence  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Ingbretson, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Naro, Debra

Dudley, Terri  
Giuda, Robert  
Sorg, Gregory

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bergeron, Jean-Guy  
Buhlman, David  
Christensen, D L Chris  
Desmarais, Vivian  
Gargas, Carolyn  
Hagan, Barbara  
Harrington, Paul  
Jasper, Shawn  
Lawrence, James  
Mercer, Robert  
Moran, Edward  
Reeves, Sandra  
Sullivan, Peter  
Wheeler, James

Arnold, Thomas Jr  
Barry, J Gail  
Brassard, Paul  
Carter, Jeffrey  
Christiansen, Lars  
Drisko, Richard  
Gibson, John  
Haley, Robert  
Hawkins, Ken  
L'Heureux, Robert  
Lessard, Rudy  
Messier, Irene  
Mosher, William  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

Artz, Lawrence  
Batula, Peter  
Brundige, Robert  
Carter, Mark  
Coughlin, Pamela  
Fields, Dennis  
Goyette, Peter Jr  
Hall, Charles  
Haytayan, Harry Jr  
Laflamme, Charles  
McElroy, Henry Jr  
Milligan, Robert  
Pepino, Leo  
Souza, Kathleen  
Tate, Joan

Balboni, Michael  
Beaton, William  
Bruno, Pierre  
Chabot, Robert  
Crane, Elenore Casey  
Furman, Christine  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
LaFlamme, Paul  
McHugh, Claire  
Mooney, Maureen  
Price, Pamela  
Sullivan, Francis  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Field, William  
Kenison, Leon  
Leber, William  
McCormick, Tom

Currier, David  
Foley, Albert  
Kennedy, Richard  
MacKay, James  
Nutter, Edward

Daniels, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Marple, Richard  
Oliver, James

Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy

**ROCKINGHAM**

Belanger, Ronald  
Cady, Harriet  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Katsakiores, George  
Langley, Jane  
McCann, Richard  
O'Neil, Michael  
Putnam, Ed II  
Scamman, Stella  
Stone, Joseph  
Welch, David

Bicknell, Elbert  
Camm, Kevin  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Ingram, Russell  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Pantelakos, Laura  
Quandt, Matthew  
Shultis, Elizabeth  
Tufts, J Arthur  
Weyler, Kenneth

Blanchard, MaryAnn  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Itse, Daniel  
Kelley, Jane  
Letourneau, Robert  
McMahon, Charles  
Pitts, Jacqueline  
Rausch, James  
Smith, Paul  
Varrell, Thomas  
Wiley, Robert

Bridle, Russell  
Dodge, Robert  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Morris, Richard  
Priestley, Anne  
Roessner, Kurt  
Splaine, James  
Waterhouse, Kevin  
Winchell, George

**STRAFFORD**

Bemis, Alan  
Musler, George

Berube, Roger  
Scott, David

Cataldo, Sam  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Jones, Constance

Leone, Richard

Rodeschin, Beverly

**NAYS 154****BELKNAP**

Fitzgerald, James

Holbrook, Robert

Rice, Thomas

Wendelboe, Fran

**CARROLL**

Kenney, Bettie

Olimpio, J Lisbeth

Philbrick, Donald

**CHESHIRE**

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Espiefs, Peter

Fish, Douglas

Manning, Joseph

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

**COOS**

Mears, Edgar

Poulin, Richard

Theberge, Robert

**GRAFTON**

Akins, Ralph

Almy, Susan

Bleyler, Ruth

Densmore, Edward

Diamond, Estelle

Ham, Bonnie

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis

Allen, Timothy

Baroody, Benjamin

Bouchard, David

Buckley, Raymond

Carlson, Donald

Clemons, Jane

Cote, David

Cote, Peter

Dionne, Kimberley

Dokmo, Cynthia

Elliott, Larry

Emerton, Larry

Fletcher, Richard

Gorman, Mary

Hallyburton, Margaret

Holden, Randolph

Hopper, Gary

Irwin, Anne-Marie

Jean, Claudette

Johnson, Lionel

Katsiantonis, Thomas

Konys, Christine

Kopka, Angeline

Kurk, Neal

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Malloy, Chris

McRae, Karen

Movsesian, Lori

O'Brien, Lori

Pappas, Christopher

Pilotte, Maurice

Ross, Lawrence

Schulze, Joan

Shaw, Barbara

Slocum, Lee

Spiess, Paul

Stepanek, Stephen

Sweeney, Cynthia

**MERRIMACK**

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Colcord, J D

Davis, Frank

DeJoie, John

DeStefano, Stephen

French, Barbara

Gile, Mary

Hager, Elizabeth

Hamm, Christine

Jacobson, Alf

Lockwood, Priscilla

Osborne, Jessie

Owen, Derek

Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Seldin, Gloria

Soltani, Tony

Walner, Mary Jane

**ROCKINGHAM**

Bishop, Franklin

Carson, Sharon

Casey, Kimberley

Clark, Vivian

Coes, Betsy

Cooney, Richard

Corbin, Corey

DiFruscia, Anthony

Gould, Kenneth

Hughes, Daniel

Introne, Robert

Johnson, Robert

Manning, John

McKinney, Betsy

Packard, Sherman

Robertson, Carl

Vallone, Matthew

Weare, E Albert

Zolla, William

**STRAFFORD**

Bickford, David

Brown, Julie

Creteau, Irene

Dunlap, Patricia

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Newton, Clifford

Rollo, Deanna

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Wall, Janet



**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James		

and the Committee of Conference Report was adopted.

**HB 615-FN**, relative to the requirements for registration of sexual offenders. (Report printed in SJ 6/24/03)

Report adopted.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery. (Report printed in SJ 6/24/03)

Report adopted.

**HB 621-FN-A-L**, establishing an early childhood literacy program. (Report printed in SJ 6/24/03)

Rep. Hagan spoke against.

Rep. Stephen L'Heureux spoke in favor.

On a division vote, 216 members having voted in the affirmative and 118 in the negative, the Committee of Conference Report was adopted.

**HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. (Report printed in SJ 6/24/03)

Report adopted.

**HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Report printed in SJ 6/24/03)

Report adopted.

**HB 663-FN-A-L**, relative to county and state funding of long-term care medical programs. (Report printed in SJ 6/24/03)

Rep. Norelli requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

**YEAS 322 NAYS 14****YEAS 322****BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Laffam, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Rice, Thomas	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Fish, Douglas	Hunt, John	Laurent, John
Manning, Joseph	Meader, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

**COOS**

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Gilman, G Michael  
Hammond, Lee  
Nordgren, Sharon  
Sorg, Gregory

Alger, John  
Densmore, Edward  
Gionet, Edmond  
Ingretson, Paul  
Scovner, Nancy  
Williams, Burton

Almy, Susan  
Dorsett, Andrew  
Giuda, Robert  
Maybeck, Margie  
Sokol, Hilda

Barker, Robert  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Solomon, Peter

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Beaton, William  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Cote, Peter  
Dokmo, Cynthia  
Fletcher, Richard  
Gorman, Mary  
Hall, Charles  
Hawkins, Ken  
Jean, Claudette  
Kopka, Angeline  
Lefebvre, Roland  
McHugh, Claire  
Milligan, Robert  
Movsesian, Lori  
Pilotte, Maurice  
Schulze, Joan  
Stepanek, Stephen  
Tate, Joan

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Coughlin, Pamela  
Drisko, Richard  
Furman, Christine  
Goyette, Peter Jr  
Hallyburton, Margaret  
Haytayan, Harry Jr  
Johnson, Lionel  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
Mooney, Maureen  
O'Brien, Lori  
Price, Pamela  
Shaw, Barbara  
Sullivan, Francis  
Vaillancourt, Steve

Artz, Lawrence  
Barry, J Gail  
Bouchard, David  
Buckley, Raymond  
Carter, Mark  
Clemons, Jane  
Desmarais, Vivian  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Hansen, Ryan  
Hinkle, Peyton  
Katsiantonis, Thomas  
L'Heureux, Robert  
Malloy, Chris  
Mercer, Robert  
Moran, Edward  
Pappas, Christopher  
Reeves, Sandra  
Souza, Kathleen  
Sullivan, Peter  
Wheeler, James

Balboni, Michael  
Batula, Peter  
Brassard, Paul  
Buhlman, David  
Chabot, Robert  
Cote, David  
Dionne, Kimberley  
Fields, Dennis  
Gibson, John  
Hagan, Barbara  
Harrington, Paul  
Hopper, Gary  
Konys, Christine  
Lawrence, James  
McElroy, Henry Jr  
Messier, Irene  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Spiess, Paul  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Field, William  
Gile, Mary  
Kenison, Leon  
Leber, William  
McCormick, Tom  
Perkins, Randy  
Wallner, Mary Jane

Blanchard, Elizabeth  
Colcord, J D  
DeJoie, John  
Foley, Albert  
Hamm, Christine  
Kennedy, Richard  
Lockwood, Priscilla  
Nutter, Edward  
Potter, Frances

Bouchard, Candace  
Currier, David  
DeStefano, Stephen  
Fraser, Leo Jr  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Oliver, James  
Rush, Deanna

Brueggemann, Donald  
Daniels, Eric  
Dunne, Christopher  
French, Barbara  
Jacobson, Alf  
Langer, Ray  
Marple, Richard  
Osborne, Jessie  
Soltani, Tony

**ROCKINGHAM**

Belanger, Ronald  
Bridle, Russell  
Casey, Kimberley  
Dalrymple, Janeen  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard

Bicknell, Elbert  
Cady, Harriet  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Gould, Kenneth  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McEachern, Paul

Bishop, Franklin  
Camm, Kevin  
Coes, Betsy  
Dodge, Robert  
Flanders, John Sr  
Gilbert, Karl  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy

Blanchard, MaryAnn  
Carson, Sharon  
Cooney, Richard  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
McMahon, Charles

Morris, Richard  
Pantelakos, Laura  
Rausch, James  
Shultis, Elizabeth  
Tufts, J Arthur  
Weare, E Albert  
Zolla, William

Norelli, Terie  
Pitts, Jacqueline  
Robertson, Carl  
Smith, Paul  
Vallone, Matthew  
Welch, David

O'Neil, Michael  
Priestley, Anne  
Roessner, Kurt  
Splaine, James  
Varrell, Thomas  
Weyler, Kenneth

Packard, Sherman  
Quandt, Matthew  
Scamman, Stella  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Bemis, Alan  
Cataldo, Sam  
Harrington, Michael  
Kaen, Naida  
Musler, George  
Schmidt, Peter  
Spang, Judith  
Woods, Phyllis

Berube, Roger  
Creteau, Irene  
Heon, Richard  
Keans, Sandra  
Newton, Clifford  
Scott, David  
Taylor, Kathleen

\* Bickford, David  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Twombly, James

Brown, Julie  
Grassie, Anne  
Johnson, Nancy  
Miller, Joseph  
Rous, Emma  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Jones, Constance

Burling, Peter  
Flint, Gordon Sr  
Leone, Richard

Cloutier, John  
Franklin, Peter  
Phinizy, James

Donovan, Thomas  
Harris, Sandra  
Rodeschin, Beverly

### NAYS 14

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Liebl, George

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Adams, Jarvis  
Holden, Randolph  
Ross, Lawrence

Allen, Timothy  
Irwin, Anne-Marie  
Slocum, Lee

Crane, Elenore Casey  
Jasper, Shawn  
Sweeney, Cynthia

Elliott, Larry  
Leach, Edward

### MERRIMACK

Reed, Dennis

### ROCKINGHAM

Corbin, Corey

### STRAFFORD

None

### SULLIVAN

None

and the Committee of Conference Report was adopted.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. (Report printed in SJ 6/24/03)

Report adopted.

Rep. Burling declared a conflict of interest and did not participate.

**HB 680-FN**, establishing a committee to study service contracts and repealing the law regarding legal services insurance. (Report printed in SJ 6/24/03)

Report adopted.

**HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Report printed in SJ 6/24/03)

Report adopted.

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wood poles and conduits. (Report printed in SJ 6/24/03)

Rep. Gibson requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

## YEAS 159 NAYS 172

### YEAS 159

#### BELKNAP

Flanders, Donald  
Pilliod, James

Holbrook, Robert  
Russell, David

Lawton, David  
Thomas, John

Nedeau, Stephen  
Whalley, Michael

#### CARROLL

Derby, Mark  
Philbrick, Donald

Dickinson, Howard  
Stevens, Stanley

Hatch, Paul

Patten, Betsey

#### CHESHIRE

Allen, Peter  
Hunt, John  
Mitchell, McKim  
Tilton, Anna

Dexter, Judson  
Laurent, John  
Pratt, Irene  
Webber, Amy

Dunn, James  
Manning, Joseph  
Royce, H Charles  
Weed, Charles

Eaton, Daniel  
Meador, David  
Smith, Edwin

### COOS

Guay, Lawrence

King, Frederick

Tholl, John Jr

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Nordgren, Sharon

Almy, Susan  
Giuda, Robert  
Scovner, Nancy

Bleyler, Ruth  
Ham, Bonnie  
Sokol, Hilda

Densmore, Edward  
Hammond, Lee

### HILLSBOROUGH

Allan, Nelson  
Brundige, Robert  
Christensen, D L Chris  
Dokmo, Cynthia  
Furman, Christine  
Haytayan, Harry Jr  
Katsiantonis, Thomas  
Lessard, Rudy  
Moran, Edward  
Rowe, Robert

Arnold, Thomas Jr  
Buckley, Raymond  
Clemons, Jane  
Drisko, Richard  
Gorman, Mary  
Hopper, Gary  
Konys, Christine  
McRae, Karen  
Pappas, Christopher  
Stepanek, Stephen

Baroody, Benjamin  
Carter, Mark  
Cote, Peter  
Emerton, Larry  
Graham, John  
Jasper, Shawn  
Kurk, Neal  
Mercer, Robert  
Pilotte, Maurice  
Vaillancourt, Steve

Beaton, William  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Hansen, Ryan  
Jean, Claudette  
Lasky, Bette  
Messier, Irene  
Reeves, Sandra  
Wheeler, Robert

### MERRIMACK

Brueggemann, Donald  
Field, William

Colcord, J D  
Fraser, Leo Jr

Daniels, Eric  
French, Barbara

Dunne, Christopher  
Hamm, Christine

Hess, David  
Langer, Ray  
Nutter, Edward

Jacobson, Alf  
Leber, William  
Perkins, Randy

Kenison, Leon  
Lockwood, Priscilla  
Potter, Frances

L'Heureux, Stephen  
MacKay, James  
Wallner, Mary Jane

### ROCKINGHAM

Bridle, Russell  
Dalrymple, Janeen  
Francoeur, Sheila  
Gould, Kenneth  
Ingram, Russell  
Kelley, Jane  
Norelli, Terie  
Rausch, James  
Tufts, J Arthur  
Winchell, George

Casey, Kimberley  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
O'Neil, Michael  
Roessner, Kurt  
Weare, E Albert

Clark, Vivian  
Dodge, Robert  
Gillick, Thomas  
Hamel, Albert  
Katsakiores, George  
Langone, John  
Pantelakos, Laura  
Shultis, Elizabeth  
Welch, David

Cooney, Richard  
Flanders, John Sr  
Gleason, John  
Hughes, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Priestley, Anne  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Knowles, William  
Snyder, Clair

Creteau, Irene  
Miller, Joseph  
Spang, Judith

Dunlap, Patricia  
Musler, George  
Twombly, James

Keans, Sandra  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter

Burling, Peter  
Leone, Richard

Cloutier, John  
Rodeschin, Beverly

Flint, Gordon Sr

### NAYS 172

### BELKNAP

Ahern, Omer Jr  
Clark, Charles  
Wendelboe, Fran

Allen, Janet  
Fitzgerald, James

Bartlett, Gordon  
Lafam, Robert

Boyce, Laurie  
Rice, Thomas

### CARROLL

Babson, David Jr  
Mock, Henry

Brown, Carolyn  
Olimpio, J Lisbeth

Kenney, Bettie

Morrow, Harry

### CHESHIRE

Batchelder, Robert  
Richardson, Barbara

Fish, Douglas  
Robertson, Timothy

Liebl, George  
Slack, Pamela

Parkhurst, Henry

### COOS

Brady, Mark  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

Pratt, Leighton

Richardson, Herbert

### GRAFTON

Alger, John  
Gionet, Edmond  
Solomon, Peter

Barker, Robert  
Ingretson, Paul  
Sorg, Gregory

Dorsett, Andrew  
Maybeck, Margie  
Williams, Burton

Gilman, G Michael  
Naro, Debra

### HILLSBOROUGH

Adams, Jarvis  
Balcom, John  
Bouchard, David  
Carlson, Donald  
Crane, Elenore Casey  
Fletcher, Richard  
Hagan, Barbara  
Hawkins, Ken  
Johnson, Lionel  
Lefebvre, Roland  
Milligan, Robert

Allen, Timothy  
Barry, J Gail  
Brassard, Paul  
Carter, Jeffrey  
Desmarais, Vivian  
Gargas, Carolyn  
Hall, Charles  
Hinkle, Peyton  
Kopka, Angeline  
Malloy, Chris  
Mooney, Maureen

Artz, Lawrence  
Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Gibson, John  
Hallyburton, Margaret  
Holden, Randolph  
L'Heureux, Robert  
McElroy, Henry Jr  
Mosher, William

Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Cote, David  
Elliott, Larry  
Goyette, Peter Jr  
Harrington, Paul  
Irwin, Anne-Marie  
Lawrence, James  
McHugh, Claire  
Movsesian, Lori

O'Brien, Lori  
Shaw, Barbara  
Sullivan, Francis  
Tate, Joan

Price, Pamela  
Slocum, Lee  
Sullivan, Peter  
Wheeler, James

Ross, Lawrence  
Souza, Kathleen  
Sweeney, Cynthia

Schulze, Joan  
Spiess, Paul  
Tahir, Saghir

### MERRIMACK

Anderson, Eric  
Currier, David  
Foley, Albert  
Oliver, James  
Soltani, Tony

Blanchard, Elizabeth  
Davis, Frank  
Kennedy, Richard  
Osborne, Jessie

Bouchard, Candace  
DeJoie, John  
Marple, Richard  
Reed, Dennis

Clarke, Claire  
DeStefano, Stephen  
McCormick, Tom  
Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Corbin, Corey  
Flayhan, Mary Lou  
Itse, Daniel  
Manning, John  
McMahon, Charles  
Quandt, Matthew  
Splaine, James  
Wiley, Robert

Bicknell, Elbert  
Camm, Kevin  
Dumaine, Dudley  
Gilbert, Karl  
Johnson, Rogers  
McCann, Richard  
Morris, Richard  
Robertson, Carl  
Vallone, Matthew  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
Dupuis, Roland  
Headd, James  
Langley, Jane  
McEachern, Paul  
Packard, Sherman  
Scamman, Stella  
Varrell, Thomas

Blanchard, MaryAnn  
Coes, Betsy  
Fesh, Bob  
Introne, Robert  
Letourneau, Robert  
McKinney, Betsy  
Pitts, Jacqueline  
Smith, Paul  
Waterhouse, Kevin

### STRAFFORD

Bickford, David  
Harrington, Michael  
Kaen, Naida  
Scott, David

Brown, Julie  
Heon, Richard  
Newton, Clifford  
Taylor, Kathleen

Cataldo, Sam  
Hofemann, Roland  
Rollo, Deanna  
Woods, Phyllis

Grassie, Anne  
Johnson, Nancy  
Schmidt, Peter

### SULLIVAN

Donovan, Thomas  
Phinzy, James

Ferland, Brenda

Harris, Sandra

Jones, Constance

and the Committee of Conference Report failed.

**HB 709-FN**, relative to nursing homes in receivership. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 718-FN**, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 748**, making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 768**, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 773**, establishing a committee to study a tuition tax credit program. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 796-FN-L**, relative to the taxation of manufactured housing. (Report printed in SJ 6/24/03)  
Rep. Soltani spoke against.

Rep. Hunt spoke in favor.

On a division vote, 175 members having voted in the affirmative and 154 in the negative, the Committee of Conference Report was adopted.

**HB 798**, relative to gifts by fiduciaries. (Report printed in SJ 6/24/03)  
Report adopted.

**HB 811**, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Report printed in SJ 6/24/03)

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

## YEAS 259 NAYS 71

### YEAS 259

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

#### CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	Morrow, Harry	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

#### CHESHIRE

Allen, Peter	Dexter, Judson	Eaton, Daniel	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Parkhurst, Henry
Royce, H Charles	Smith, Edwin	Tilton, Anna	

#### COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Poulin, Richard
Pratt, Leighton	Richardson, Herbert	Stohl, Eric	Tholl, John Jr

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Dorsett, Andrew	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Sorg, Gregory	Williams, Burton		

#### HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bouchard, David	Brassard, Paul	Brundige, Robert	Bruno, Pierre
Buhlman, David	Carlson, Donald	Carter, Jeffrey	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Furman, Christine	Gargas, Carolyn
Gibson, John	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hall, Charles	Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul
Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph

Hopper, Gary  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
Mooney, Maureen  
O'Brien, Lori  
Rowe, Robert  
Spiess, Paul  
Tate, Joan

Infantine, William  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Moran, Edward  
Price, Pamela  
Shaw, Barbara  
Stepanek, Stephen  
Vaillancourt, Steve

Jasper, Shawn  
Lawrence, James  
McElroy, Henry Jr  
Messier, Irene  
Mosher, William  
Reeves, Sandra  
Slocum, Lee  
Sweeney, Cynthia  
Wheeler, James

Johnson, Lionel  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Movsesian, Lori  
Ross, Lawrence  
Souza, Kathleen  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Currier, David  
Field, William  
Hess, David  
Langer, Ray  
Marple, Richard  
Reed, Dennis

Blanchard, Elizabeth  
Daniels, Eric  
Foley, Albert  
Kenison, Leon  
Leber, William  
McCormick, Tom  
Soltani, Tony

Clarke, Claire  
DeStefano, Stephen  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
Nutter, Edward

Colcord, J D  
Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Oliver, James

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Coes, Betsy  
Dodge, Robert  
Flanders, John Sr  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Quandt, Matthew  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

Bicknell, Elbert  
Camm, Kevin  
Cooney, Richard  
Dumaine, Dudley  
Flayhan, Mary Lou  
Gillick, Thomas  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
O'Neil, Michael  
Rausch, James  
Smith, Paul  
Waterhouse, Kevin  
Wiley, Robert

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Dupuis, Roland  
Francoeur, Sheila  
Gleason, John  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Robertson, Carl  
Stone, Joseph  
Weare, E Albert  
Winchell, George

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Ingram, Russell  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Priestley, Anne  
Roessner, Kurt  
Tufts, J Arthur  
Welch, David  
Zolla, William

### STRAFFORD

Berube, Roger  
Creteau, Irene  
Hofemann, Roland  
Miller, Joseph  
Spang, Judith

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Musler, George  
Taylor, Kathleen

Brown, Julie  
Harrington, Michael  
Kaen, Naida  
Newton, Clifford  
Twombly, James

Cataldo, Sam  
Heon, Richard  
Knowles, William  
Scott, David  
Woods, Phyllis

### SULLIVAN

Allison, David  
Harris, Sandra  
Rodeschin, Beverly

Cloutier, John  
Jones, Constance

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Phinzy, James

### NAYS 71 BELKNAP

None

Olimpio, J Lisbeth

### CARROLL

### CHESHIRE

Batchelder, Robert  
Mitchell, McKim  
Slack, Pamela

Dunn, James  
Pratt, Irene  
Webber, Amy

Fish, Douglas  
Richardson, Barbara  
Weed, Charles

Meador, David  
Robertson, Timothy



**COOS**

Mears, Edgar

Theberge, Robert

**GRAFTON**Bleyler, Ruth  
Scovner, NancyDensmore, Edward  
Sokol, HildaHammond, Lee  
Solomon, Peter

Nordgren, Sharon

**HILLSBOROUGH**Buckley, Raymond  
Dokmo, Cynthia  
Jean, Claudette  
Lasky, Bette  
Schulze, JoanClemons, Jane  
Fletcher, Richard  
Katsiantonis, Thomas  
Malloy, Chris  
Sullivan, FrancisCote, David  
Gorman, Mary  
Konys, Christine  
Pappas, Christopher  
Sullivan, PeterCote, Peter  
Irwin, Anne-Marie  
Kopka, Angeline  
Pilotte, Maurice**MERRIMACK**Bouchard, Candace  
French, Barbara  
Perkins, RandyBrueggemann, Donald  
Hamm, Christine  
Potter, FrancesDavis, Frank  
Jacobson, Alf  
Rush, DeannaDeJoie, John  
Osborne, Jessie  
Wallner, Mary Jane**ROCKINGHAM**Blanchard, MaryAnn  
Norelli, Terie  
Splaine, JamesCasey, Kimberley  
Pantelakos, Laura  
Vallone, MatthewGould, Kenneth  
Pitts, JacquelineMcEachern, Paul  
Shultis, Elizabeth**STRAFFORD**Keans, Sandra  
Snyder, ClairRollo, Deanna  
Wall, Janet

Schmidt, Peter

Smith, Marjorie

**SULLIVAN**Burling, Peter  
and the Committee of Conference was adopted.

Donovan, Thomas

Franklin, Peter

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Report printed in SJ 6/24/03)  
Report adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Mock moved that the House reconsider its action whereby it failed to adopt the Committee of Conference Report on **HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

Reps. Hess and Burling spoke in favor.  
Adopted.

**HB 705**, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wood poles and conduits. (Report printed in SJ 6/24/03)  
Rep. Hess spoke in favor.  
Committee of Conference Report adopted.

**ADJOURNMENT FROM THE EARLY SESSION**

Rep. Hess moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet at the Call of the Chair.  
Adopted.

**LATE SESSION****SUSPENSION OF RULES**

Reps. Hess and Burling moved that the deadline in House Rule 64, of Tuesday, June 24<sup>th</sup>, as the last day for introduction of supplemental bills, be suspended.  
Adopted by the necessary two-thirds.

### AMENDMENT TO HOUSE RULES

Reps. Hess and Burling moved that the House adopt an Amendment to House Rule 64, adding deadlines for legislative action in the second-year session for reporting of and action on retained and supplemental bills.

Adopted by the necessary two-thirds.

Add the following to House Rule 64:

Wednesday, December 3, 2003

Last day to report retained House and Senate bills.

Wednesday, January 7, 2004

First session day.

Thursday, January 29, 2004

Last day to report supplemental House bills going to a second committee.

Thursday, February 5, 2004

Last day to act on retained House and Senate bills and supplemental House bills going to a second committee.

Thursday, March 11, 2004

Last day to report all remaining supplemental House bills.

Thursday, March 18, 2004

CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.

### PERSONAL PRIVILEGE

Reps. Thomas and Soltani addressed the House.

Rep. Patten moved that the remarks of Rep. John Thomas be entered in the Journal.

Adopted.

### REMARKS

Rep. John Thomas: House Bill 787 originally came to the House in the last session as House Bill 1447. Because of certain issues that were not resolvable in the committee, House Bill 1447 was turned into a study committee to save the bill. The results of that study committee was a recommendation which was basically the same bill. Therefore, House Bill 787 was introduced.

After many long hearings and testimony from state agencies, the Governor, members of the New Hampshire Timberland Owners Association, loggers and electric utilities, the House Science, Technology and Energy Committee agreed to re-write the legislation.

As Whitefield is, in the eyes of the committee, no longer in the same position as the other wood burning plants who are operating profitable and are under rate orders, there were six requirements that the legislation had to meet. These were:

1. The bill had to be Whitefield specific. As stated, the other plants are currently operating in the black. The committee felt that as the Whitefield plant received a \$40 million buyout of its rate order and said rate order no longer exists, it is a much different facility than the other plants.
2. The books of the facility had to be open. The committee feels that any entity taking ratepayer money shall have full financial oversight. The difference between the funding mechanisms and rate orders is that all ratepayers will be affected, not just Public Service of New Hampshire ratepayers.
3. The bill did not raise rates, hence the revenue would come from the energy efficiency part of the existing systems benefit charge.
4. There would be a sunset date bringing it more in line with the expiration of the rate orders of the other plants. The thought for this was, we wouldn't have to deal with each plant individually, but as a group.
5. There would be an economic development component by the inclusion of Department of Resources and Economic Development in the process so that working with chambers of commerce, economic development organizations and trade groups, markets for low grade wood could be explored and utilized to the fullest benefit of that economic sector. It cannot be stated strongly enough that the committee's prime concern was the survival and enhancement of the logging and other segments of the wood products industry, not the plant itself.
6. Trading credits were included to maximize sales revenues. The age of the plant was also a consideration.

The Senate amendment attempted to treat Whitefield like the other plants operating under a rate order. Their books would not be open. They would have an opt-out provision allowing them to take

subsidies when the market price was low and then leave the program when the market was favorable. The amount of the subsidy was 80% higher than the House position, contrary to what the committee was told was needed to keep the plant open. The Senate version also increased the rate by connecting it to the consumer price index, thereby giving the Whitefield plant an unfair advantage over the other power producers.

The House conferees had the same concerns about the amendment as the members of the Senate policy and Finance committees which rejected attempts to change the House version. To save the bill, House Leadership asked the Senate to accept the amendment, hence the committee of conference.

As previously stated, by not being able to reach an agreement on the differences, the House and Senate conferees agreed to disagree.

As you know, without agreement in the committee of conference there is no "blurb" (or report), so I use this opportunity to set the record straight as to the negative press my committee has received on this issue by some members of the media and certain trade publications.

You also probably know the old saying of, "Shot at and missed, bleep, bleep and hit." Well, on occasion I've felt like I've been hit both times so it doesn't bother me so much if one wants to spread untruths about me. I do take exception to one spreading untruths about my committee. They all worked very hard on this issue and had to make decisions that I know they were not totally comfortable with.

So I say to those that I mentioned, do as you wish to me but leave my committee alone.

### UNANIMOUS CONSENT

Rep. Burling addressed the House.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and veto messages from the Governor only.

Adopted.

The House recessed to the Call of the Chair at 5:25 p.m.

### RECESS

**(Rep. Francoeur in the Chair)**

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1.

Rep. Letourneau for the Committee

### RECESS

**(Rep. Giuda in the Chair)**

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 47.

Rep. Letourneau, Sen. Clegg for the Committee

### RECESS

**(Rep. Rogers Johnson in the Chair)**

### ENROLLED BILL AMENDMENT

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

#### Amendment (2276-EBA)

Amend RSA 188-D:18-a as inserted by section 3 of the bill by replacing line 6 with the following:  
***programs at the regional community-technical institute and colleges. To address this***

Amend RSA 188-D:18-e, II-b as inserted by section 5 of the bill by replacing line 1 with the following:

II-b. Licensed nursing assistants and medication nursing assistants shall be eligible to apply

Amend RSA 162-L:11, V as inserted by section 13 of the bill by replacing line 1 with the following:

V. "Federal act" means Title I of the Housing and Community Development Act of 1974, as amended,

Amend RSA 162-L:15, II as inserted by section 13 of the bill by replacing line 1 with the following:

II. The committee shall consist of 10 voting members as follows:

Amend RSA 162-L:18, I(b) as inserted by section 13 of the bill by replacing line 1 with the following:

(b) Limit the availability of payments under this subdivision under such conditions as the Amend RSA 162-N:2 as inserted by section 47 of the bill by replacing line 2 with the following: state jobs grant fund. The state jobs grant fund shall be administered by the commissioner and

Amend RSA 162-N:3, II(a) as inserted by section 47 of the bill by replacing line 1 with the following:

(a) Up to \$1,000 per job created at a wage which is at least 1 ¾

Amend RSA 162-N:3, II(f) as inserted by section 47 of the bill by replacing line 2 with the following: more above the 2003 minimum wage.

Amend RSA 162-N:3, IV as inserted by section 47 of the bill by replacing line 3 with the following: jobs grant fund on a pro-rated share basis for the amount of the 5-year period when the job does not

Amend RSA 290:1 as inserted by section 66 of the bill by replacing line 6 with the following:

provided in RSA 5-C:7. The cause or causes of death shall be printed or typed on all records required

Amend RSA 126:24-e, 1 as inserted by section 77 of the bill by replacing line 2 with the following:

attached, pursuant to RSA 21-G:10, to the department to review requests for vital records

Amend section 105 of the bill by replacing line 1 with the following:

105 Department of Safety; Fire Standards and Training Commission. Amend RSA 21-P:26, I to Amend RSA 21-P:36, II as inserted by section 108 of the bill by replacing line 7 with the following: as provided for personnel of other state agencies. With the approval of the [director] *assistant commissioner*, the

Amend RSA 21-P:48, I(h) as inserted by section 113 of the bill by replacing it with the following:

(h) The director of the governor's [energy] office *of state planning and energy programs*.

Amend the bill by replacing section 131 with the following:

131 Repeal. The following are repealed:

I. RSA 21-P:12, V, relative to oversight of the office of emergency management by the state fire marshal.

II. RSA 21-P:35, II, relative to the coordinator of emergency management.

III. RSA 21-P:37, V, relative to the delegation of administrative authority to the coordinator of emergency management.

IV. RSA 106-H:4, relative to the administrative attachment of the bureau of emergency communications to the office of the commissioner of the department of administrative services.

V. RSA 106-H:7, relative to rulemaking authority of the bureau of emergency communications. Amend section 157 of the bill by replacing lines 2-3 with the following:

any other act of the 2003 legislative session, then section 156 of this act shall take effect. If RSA 4-D is not enacted by HB 663-FN-A or by any other act of the 2003 legislative session, then section 156 of

Amend the bill by replacing all after section 174 with the following:

175 Appointment Change. RSA 5-C:24, I(h) is repealed and reenacted to read as follows:

(h) The chief information officer, office of information technology, or designee.

176 Contingency. If HB 663-FN-A-LOCAL of the 2003 session becomes law, then section 175 of this act shall take effect July 1, 2003 at 12:01 a.m. If HB 663-FN-A-LOCAL does not become law, then section 175 of this act shall not take effect.

177 Name Change. Amend RSA 216-J:2, I(g) to read as follows:

(g) The director of the office of state planning *and energy programs*, or designee.

178 Effective Date.

I. Sections 12, 25, 34, 134, 135, 171, and 174 of this act shall take effect June 30, 2003.

II. Sections 21 and 22 of this act shall take effect as provided in section 24 of this act.

III. Sections 31, 99-132, 133, 138-143, and 146-150 of this act shall take effect upon its passage.

IV. Sections 80-98, and 172 of this act shall take effect January 1, 2004.

V. Section 152 of this act shall take effect June 30, 2005.

VI. Section 156 of this act shall take effect as provided in section 157 of this act.

VII. Section 175 of this act shall take effect as provided in section 176 of this act.

VIII. The remainder of this act shall take effect July 1, 2003.

Adopted.

RECESS

**(Rep. Francoeur in the Chair)****ENROLLED BILL AMENDMENT**

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs and relative to transferring state information technology management to the governor's office of information technology.

**Amendment (2277-EBA)**

Amend RSA 28-B:3, II as inserted by section 2 of the bill by replacing line 4 with the following: services by the division for children, youth, and families, and the division of juvenile justice services,

Amend RSA 28-B:3, V as inserted by section 2 of the bill by replacing line 3 with the following: under RSA 167-18-b, IV.

Amend section 9 of the bill by replacing line 1 with the following:

9 New Chapter; Nursing Facility Quality Assessment. Amend RSA by inserting after chapter 84-B

Amend RSA 151-E:14 as inserted by section 11 of the bill by replacing line 2 with the following: facility trust fund for the receipts from the nursing facility quality assessment under RSA 84-C:3,

Amend RSA 21-J:31 as inserted by section 12 of the bill by replacing line 7 with the following: RSA 77-E:8, RSA 83-C:6, RSA 83-E:5 [or], RSA 84-A:7, *or* RSA 84-C:7, or the failure to file was due to

Amend the bill by replacing all after section 24 with the following:

25 Contingency. If HB 2-FN-A of the 2003 legislative session becomes law, section 22 of this act shall not take effect. If HB 2-FN-A does not become law, section 22 of this act shall take effect on July 1, 2003.

26 Effective Date.

I. Section 8 of this act shall take effect June 30, 2003.

II. Paragraph I of section 17 of this act shall take effect as provided in section 18 of this act.

III. Section 22 of this act shall take effect as provided in section 25 of this act.

IV. The remainder of this act shall take effect July 1, 2003.

Adopted.

RECESS

**(Rep. Rogers Johnson in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 2 and 663.

Rep. Letourneau, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Major in the Chair)****ENROLLED BILL AMENDMENTS**

**HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision, making a technical correction, and permitting the court to prohibit visitation between a parent convicted of sexual abuse or sexual assault against a minor child or stepchild and a sibling or step-sibling of the victim.

**Amendment (2271-EBA)**

Amend the bill by replacing section 7 with the following:

7 Contingency. If HB 278-FN of the 2003 regular legislative session becomes law, section 9 of this act shall take effect January 1, 2004 at 12:01 a.m. If HB 278-FN of the 2003 regular legislative session does not become law, section 9 of this act shall not take effect.

Amend RSA 458:17, IV-a as inserted by section 8 of the bill by replacing line 6 with the following: XXVII-a, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2, RSA 632-A:3,

Amend the bill by replacing all after section 8 with the following:

9 Sexual Assault and Related Offenses; Sexual Assault. RSA 632-A:4 is repealed and reenacted to read as follows:

**632-A:4 Sexual Assault.**

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

(b) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or less.

II. A person found guilty under subparagraph I(b) of this section shall not be required to register as a sexual offender under RSA 651-B.

III. A person is guilty of a misdemeanor if such person engages in sexual contact or sexual penetration with another person when the actor is in a position of authority over the person under any of the following circumstances:

(a) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(b) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

Consent of the victim under any of the circumstances set forth in paragraph III shall not be considered a defense.

**10 Effective Date.**

I. Section 9 of this act shall take effect as provided in section 7 of this act.

II. Sections 7 and 8 of this act shall take effect upon its passage.

III. Section 6 of this act shall take effect January 1, 2004 at 12:01 a.m.

IV. The remainder of this act shall take effect January 1, 2004.

Adopted.

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses.

**Amendment (2268-EBA)**

Amend RSA 263:65-a, V as inserted by section 8 of the bill by replacing line 1 with the following:

V. A person shall be presumed to have furnished proof of successful completion of an impaired

Amend RSA 265:82-b, IV(d) as inserted by section 9 of the bill by replacing line 1 with the following:

(d) A person shall be presumed to have furnished proof of successful completion of an

Adopted.

**HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor.

**Amendment (2256-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the agricultural nutrient management program and making an appropriation therefor.

Amend section 1 of the bill by replacing line 1 with the following:

I Appropriation.

Adopted.

**HB 633-FN**, establishing the interstate compact for adult offender supervision.

**Amendment (2248-EBA)**

Amend RSA 651-A:26, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. "Bylaws" mean those bylaws established by the interstate commission for its

Amend RSA 651-A:27, III as inserted by section 1 of the bill by replacing line 6 with the following:

The interstate commission may provide in its bylaws for such additional, ex officio, non-voting

Amend RSA 651-A:27, IV as inserted by section 1 of the bill by replacing line 3 with the following:

transaction of business, unless a larger quorum is required by the bylaws of the interstate

Amend RSA 651-A:27, VI as inserted by section 1 of the bill by replacing lines 7 and 8 with the following:

provisions of the compact, its bylaws and as directed by the interstate commission and performs other duties as directed by the commission or set forth in the bylaws.

Amend RSA 651-A:28, III as inserted by section 1 of the bill by replacing line 2 with the following: terms of this compact and any bylaws adopted and rules adopted by the compact commission.

Amend RSA 651-A:28, IV as inserted by section 1 of the bill by replacing line 2 with the following: bylaws, using all necessary and proper means, including but not limited to, the use of judicial

Amend RSA 651-A:29, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. Establishing an executive committee and such other committees as may be necessary;

Amend RSA 651-A:29, VI as inserted by section 1 of the bill by replacing line 4 with the following: programs of the interstate commission;

Amend RSA 651-A:29, VIII as inserted by section 1 of the bill by replacing line 1 with the following:

VIII. Providing transition rules for start up administration of the compact; and

Amend RSA 651-A:31, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. The interstate commission's bylaws shall establish conditions and procedures under

Amend RSA 651-A:33, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. The interstate commission shall enact a law or adopt a rule providing for both mediation

Adopted.

**HB 646-FN**, relative to liquor licenses and fees.

#### **Amendment (2105-EBA)**

Amend RSA 78-A:3, X(c)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) Meals prepared and sold by nonprofit organizations other than educational institutions.

However, if the nonprofit organization is required to have a license issued by the liquor commission other than licenses issued pursuant to RSA [178:20, V(t)] 178:22, V(l) for 3 or fewer days per year, the meals are taxable meals;

Amend RSA 178:12, V as inserted by section 13 of the bill by replacing line 1 with the following:

V. Beverage manufacturers shall pay a fee as required by RSA 178:26 for each gallon of

Amend RSA 178:13, II as inserted by section 13 of the bill by replacing line 4 with the following:

beverage and liquor as permitted by RSA 178:21, II(a)(1) and RSA 178:22, V(q).

Amend RSA 178:22, V(h)(1) as inserted by section 13 of the bill by replacing line 11 with the following:

,V(h)(9)(B)-(C), and V(h)(10)-(12).

Amend RSA 178:22, V(n)(2) as inserted by section 13 of the bill by replacing line 3 with the following:

the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:22, V(n)(1) to sell

Amend the bill by replacing section 57 with the following:

57 Effective Date.

I. Section 1 of this bill shall take effect July 1, 2003, at 12:01 a.m.

II. Section 54 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2003.

Adopted.

**HB 677-FN**, increasing the number of reserved student slots in medical programs, establishing a reduction of medical indebtedness program for physicians who practice in underserved areas, and making an appropriation therefor.

#### **Amendment (2272-EBA)**

Amend RSA 200-J:2, IV as inserted by section 3 of the bill by replacing line 2 with the following: enrollment of not more than 5 students each for veterinary[~~-medical~~] and optometric school for each class year,

Adopted.

**HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority.

#### **Amendment (2262-EBA)**

Amend 2001, 290:1-a as inserted by section 1 of the bill by replacing line 1 with the following:

290:1-a Department of Resources and Economic Development Rules Relative to

Amend 2001, 290:1-a as inserted by section 1 of the bill by replacing line 4 with the following:

Hampton Harbor shall remain in effect until amended or superseded by rules of the Pease

Amend RSA 12-G:50-a, III(b) as inserted by section 16 of the bill by replacing line 3 with the following:

assistant harbor master to secure such vessel to such mooring; or

Amend RSA 12-G:52-b, I as inserted by section 16 of the bill by replacing line 3 with the following:

RSA 12-G:50-a or any rule adopted pursuant to this chapter. All reasonable charges for such

Amend RSA 12-G:52-b, V as inserted by section 16 of the bill by replacing line 6 with the following:

storage, and shall obtain release of the lien identified in paragraph I. Any money received by  
Adopted.

## RECESS

**(Rep. Daniel Eaton in the Chair)**

### ENROLLED BILL AMENDMENT

***HB 25-FN-A***, making appropriations for capital improvements.

#### **Amendment (2278-EBA)**

Amend paragraph LXXXVIII as inserted by section 34 of bill by replacing line 2 with the following:  
regional vocational center renovation – Keene

Adopted.

## RECESS

**(Speaker Chandler in the Chair)**

Rep. Hess moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 21

Monday, June 30, 2003

The House assembled at 10:00 a.m. and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

God of all resources and wisdom, bless the decisions of this honorable House today. May the needs of those least able to care for themselves be balanced with the abundance of our riches, that no citizen is left outside the community of care which is our beloved New Hampshire.

As the celebration of our nation's independence draws near, we especially give thanks for the gifts of freedom and democracy; may we never fail to appreciate and protect them.

Remembering especially those who in recent days have given their lives in the cause of freeing Iraq and Afghanistan from tyranny and oppression, we ask that Your protective hand be upon all those who serve in the armed forces, law enforcement agencies, emergency medical services and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Reps. Christine Furman and Christine Konys led the Pledge of Allegiance.

The National Anthem was sung by Toni Caruso, a student from Whitefield Elementary School in Twin Mountain.

### LEAVES OF ABSENCE

Reps. Flanagan, Goulet, Hunter, and Kenney, the day, illness.

Reps. Bemis, Brueggemann, Chris Christensen, Dionne, Giuda, Hollinger, Katsiantonis, Ober, Oliver, Reardon, Jeffrey Sullivan, Weldy and Woodward, the day, important business.

Rep. Mary Cooney, the day, illness in the family.

### INTRODUCTION OF GUESTS

Diane Caruso, aunt of Tori Caruso, guest of the Speaker. Sharron Smith, wife of Rep. Edwin Smith. Lydia Scott and Eileen Williams, guests of Rep. Scott. Abbie Lasky and Andy Wolf, guests of Rep. Lasky. Elizabeth Casey and Matt Rodgers, daughter and guest of Rep. Casey. Alan Williams, guest of Rep. Quandt. Burnham "Bing" Judd, father of Rep. Stohl. Honorable Charles Yeaton, guest of Rep. Snyder. Jeane Harrie, sister-in-law of Reps. George and Phyllis Katsiakores.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 461, 481, 521, 598 and 633 and Senate Bills numbered 69, 164 and 197.

Rep. Currier, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENT

**HB 287**, establishing a professional malpractice claims study commission.

#### Amendment (2280-EBA)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a professional malpractice claims study commission and establishing a commission to identify medical errors and their causes.

Adopted.

### GOVERNOR'S VETO MESSAGE ON HB 1 and HB 2

June 26, 2003

To the Honorable Members of the General Court:

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, today I have vetoed House Bills 1 and 2, the proposed budget bill and the proposed trailer bill.**

The reason for my veto should come as no surprise to anyone. I believe that the level of increased spending in the proposed budget is too high and will ultimately lead to new taxes. Throughout the budget process I have stated that I would not support a budget that either raised taxes or failed to limit spending. I have consistently stated that I opposed any spending above the House of Representatives' proposed levels. The budget that has come to my desk seeks increased spending that is higher than that of any of New Hampshire's neighboring states, and among the highest in the Nation. By depleting the rainy day fund, by relying on an unprecedented amount of one-time revenues, and by increasing spending so much, the proposed budget will inevitably lead to new taxes.

It is indisputable that the proposed budget could lead to an over 200 million dollar deficit during the 2006/2007 fiscal years. In supporting this budget, one prominent member of House leadership said that this deficit could be addressed by "tweaking our existing revenue structure." Let us be very clear what that means: raising taxes.

One of the problems with spending one-time revenue is that it is very hard to reduce the spending once the one-time revenue dries up. Politically, the spending is addictive. Even when spending is increased, as in my proposed budget or the House of Representatives' proposed budget, we are accused of vicious cuts. Imagine the pressure if we ever actually had to reduce spending. And federal "maintenance of efforts requirements" can make especially difficult trimming back certain spending that had relied on one-time revenue. We must exercise strong fiscal discipline when we receive these one-time funds.

I am also very concerned at how much the proposed budget depletes the rainy day fund. Sure we are suffering some rainy days, but we received a one-time infusion of federal funds to help us deal with that. There was no reason to deplete the rainy day fund as much as does the proposed budget. Will we have enough left over if there are more rainy days ahead? We cannot rely on a surprise infusion of federal dollars to protect us then. Is it responsible to leave ourselves, and future legislatures so thinly protected? I think that it is irresponsible.

My objections to the budget include that it:

- Relies on IT savings that cannot be achieved under the IT plan in HB 663

- Relies on unprecedented amounts of one-time money

- Uses savings to balance the rainy day fund

- Prohibits the use of No Child Left Behind funds to replace general funds

- Restores funding for positions that have been vacant for six months

I share the concerns expressed by some legislators last Tuesday, during the debates on this budget, that the committee of conference process was especially irregular this year. With little discussion, the committee of conference made major policy changes and took other action for which the budget was an inappropriate mechanism, or which should have been subject to a more public hearing process. Last minute actions by the Senate finance committee or the committee of conference include:

- Changing the Presidential Primary Ballot, without so much as a hearing on whether this is the correct thing to do.

- Attempting to spend money that does not exist, such as certain securities settlement money.

- Abrogating a large HHS contract and limiting how HHS can reduce costs.

Without any discussion, arbitrary reductions were made in the Governor's budget. The Committee of Conference documents stated that these cuts were at "Governor's Office request." When the inaccuracy of this description was pointed out, one member of the committee of conference explained that an old spreadsheet was changed without changing the title. However, when the final report of the Committee was completed, the same inaccurate description was made. These cuts were arbitrary and petty, and the description was untrue. I find this kind of eleventh hour mischief troubling.

An argument has been made that it does not matter how much the proposed budget spends, because the budget is a cap rather than a floor. The Governor, according to this argument, can unilaterally reduce spending. If that were truly the case, there would be no need for me to veto any budget, no matter how large, and no reason for the finance committees of both Houses to have put so much work into the budget process. I could simply ignore the budget and reduce spending at will. Our Constitution and laws do not grant the Governor such powers, however. Basic civics tells us that the power of the purse rests with the legislature. The Governor cannot cut spending unilaterally. In case revenues do not meet expectation, the Governor can, *with the consent of the legislature*, order certain reductions in spending. As a practical matter, however, the spending levels set in the budget are both a cap and a floor.

I respect the prerogative of the General Court to complete a budget and present it to the Governor. I am convinced, however, that we could have avoided a veto if the leadership of the House and Senate had been willing to sit down with me before the vote of the committee of conference on Wednesday, June 18. Senate leadership was unwilling to meet, and House leadership was unwilling to meet without the Senate. Instead, I was presented with a budget I could not support.

Earlier in the process, when I was able to consult with the House on its proposed budget, a budget was produced that both the House and the Governor could support. When the House and Senate worked together, they produced a budget that was acceptable to both bodies. I am convinced that if the General Court will work with me, we can quickly come up with a budget that is acceptable to all three participants in this process. Just as I respect and honor the Constitutional role of the General Court in this process, I would hope that the General Court would also respect and honor my role in this process.

I know that I have angered some by standing my ground and refusing to be cowed by threats of a government shutdown. But I believe that just as you had a right and duty under the Constitution to exercise your judgment in deciding whether to vote yea or nay, the Governor has an equal Constitutional right and duty to follow his judgment in deciding whether to sign or veto the budget. This is the process set forth in the Constitution, and although disagreement is sometimes uncomfortable, it should not be personal. The workers of the State should not be placed in the middle. You have my pledge that if the veto is sustained, I will support a continuing resolution to keep government running at current levels, and my additional pledge that I will immediately reach out to leadership to produce a budget we can all agree on.

The committee of conference report is far superior to the Senate budget, but there is still work to do. We need to get back to work. It is for this reason that I have vetoed these bills.

Craig R. Benson, Governor

### **CONSIDERATION OF GOVERNOR'S VETO OF HB 1-A,**

making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005

### **MOTION TO LIMIT DEBATE**

Rep. Kurk moved that the House limit debate to 20 minutes for each side.

Rep. Vaillancourt moved to amend the motion to limit debate to 30 minutes for each side.

Reps. Jacobson and McElroy spoke against.

On a division vote, 156 members having voted in the affirmative and 204 in the negative, the amendment to limit debate to 30 minutes failed.

Rep. Jasper moved to amend the motion to limit each speaker to three minutes within the 20 minutes.

Reps. Hess and Jacobson spoke against.

Amendment failed.

Rep. Holden requested a roll call: sufficiently seconded.

The question now being adoption of the motion to limit debate to 20 minutes for each side.

**YEAS 160 NAYS 205**

### **YEAS 160**

### **BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen

Dewhirst, Glenn  
Rice, Thomas

Flanders, Donald  
Russell, David

Holbrook, Robert  
Thomas, John

### **CARROLL**

Brown, Carolyn  
McConkey, Mark

Derby, Mark  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Hatch, Paul

### **CHESHIRE**

Batchelder, Robert  
Fish, Douglas  
Slack, Pamela

Dexter, Judson  
Manning, Joseph

Dunn, James  
Robertson, Timothy

Eaton, Daniel  
Royce, H Charles

**COOS**

King, Frederick  
Tholl, John Jr

Pratt, Leighton

Richardson, Herbert

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Hammond, Lee

Alger, John  
Nordgren, Sharon

Eaton, Stephanie  
Scovner, Nancy

Gionet, Edmond  
Williams, Burton

**HILLSBOROUGH**

Barry, J Gail  
Carlson, Donald  
Clemons, Jane  
Ford, Nancy  
Hansen, Ryan  
Jean, Claudette  
LaFlamme, Paul  
McRae, Karen  
Pappas, Marc  
Slocum, Lee  
Tate, Joan

Beaton, William  
Carter, Mark  
Cote, Peter  
Gargasz, Carolyn  
Hawkins, Ken  
Johnson, Lionel  
Leach, Edward  
Milligan, Robert  
Ross, Lawrence  
Spiess, Paul  
Wheeler, Robert

Bouchard, David  
Chabot, Robert  
Coughlin, Pamela  
Haley, Robert  
Hinkle, Peyton  
Kerns, J Edward  
Lessard, Rudy  
Mooney, Maureen  
Rowe, Robert  
Stepanek, Stephen

Brassard, Paul  
Clayton, William  
Fields, Dennis  
Hallyburton, Margaret  
Hopper, Gary  
Kurk, Neal  
Luebker, Bernard  
Palangas, Eric  
Schulze, Joan  
Sullivan, Francis

**MERRIMACK**

Clarke, Claire  
Fraser, Leo Jr  
Langer, Ray  
Ouellette, Robert  
Seldin, Gloria

Colcord, J D  
French, Barbara  
Maxfield, Roy  
Perkins, Randy  
Wallner, Mary Jane

Dunne, Christopher  
Hager, Elizabeth  
McCormick, Tom  
Reed, Dennis

Foley, Albert  
Kenison, Leon  
Osborne, Jessie  
Rush, Deanna

**ROCKINGHAM**

Allen, Mary  
Cooney, Richard  
Duffy, James  
Gillick, Thomas  
Hutchinson, Karen  
Johnson, Rogers  
Langley, Jane  
McCann, Richard  
Pantelakos, Laura  
Scamman, Stella  
Stone, Joseph  
Welch, David

Belanger, Ronald  
Corbin, Corey  
Flanders, John Sr  
Gould, Kenneth  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Priestley, Anne  
Shultis, Elizabeth  
Tufts, J Arthur  
Weyler, Kenneth

Casey, Kimberley  
Dalrymple, Janeen  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Noyes, Richard  
Putnam, Ed II  
Smith, Donald  
Waterhouse, Kevin

Coes, Betsy  
Dodge, Robert  
Gilbert, Karl  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Manning, John  
O'Neil, Michael  
Ruffner, Walter  
Smith, Paul  
Weare, E Albert

**STRAFFORD**

Albert, Russell  
Johnson, Nancy  
Spang, Judith

Brown, Julie  
Knowles, William  
Taylor, Katherine

Callaghan, Frank  
Musler, George  
Twombly, James

Grassie, Anne  
Snyder, Clair

**SULLIVAN**

Allison, David  
Leone, Richard

Burling, Peter  
Rodeschin, Beverly

Flint, Gordon Sr

Harris, Joseph

**NAYS 205****BELKNAP**

Ahern, Omer Jr  
Laflam, Robert

Allen, Janet  
Pilliod, James

Clark, Charles  
Wendelboe, Fran

Fitzgerald, James  
Whalley, Michael

**CARROLL**

Babson, David Jr  
Philbrick, Donald

Merrow, Harry

Mock, Henry

Olimpio, J Lisbeth

**CHESHIRE**

Allen, Peter  
Meador, David  
Pratt, John  
Webber, Amy

Espiefs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Weed, Charles

Hunt, John  
Parkhurst, Henry  
Smith, Edwin

Liebl, George  
Pratt, Irene  
Tilton, Anna

**COOS**

Brady, Mark  
Theberge, Robert

Guay, Lawrence

Mears, Edgar

Poulin, Richard

**GRAFTON**

Almy, Susan  
Diamond, Estelle  
Ham, Bonnie  
Sokol, Hilda

Barker, Robert  
Dorsett, Andrew  
Ingbretson, Paul  
Solomon, Peter

Benn, Bernard  
Dudley, Terri  
Maybeck, Margie  
Sorg, Gregory

Densmore, Edward  
Gilman, G Michael  
Naro, Debra

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Buckley, Raymond  
Cernota, Albert  
Desmarais, Vivian  
Emerton, Larry  
Gorman, Mary  
Hagan, Barbara  
Holden, Randolph  
Konys, Christine  
Lasky, Bette  
McElroy, Henry Jr  
Moran, Edward  
Pappas, Christopher  
Reeves, Sandra  
Sullivan, Peter  
Wheeler, James

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Christiansen, Lars  
Dokmo, Cynthia  
Furman, Christine  
Goyette, Peter Jr  
Hall, Charles  
Infantine, William  
Kopka, Angeline  
Lawrence, James  
McHugh, Claire  
Mosher, William  
Pepino, Leo  
Scanlon, Michael  
Sweeney, Cynthia

Allen, Timothy  
Balcom, John  
Brundige, Robert  
Cail, Kenneth  
Cote, David  
Drisko, Richard  
Gibson, John  
Graham, John  
Harrington, Paul  
Irwin, Anne-Marie  
L'Heureux, Robert  
Malloy, Chris  
Mercer, Robert  
Movsesian, Lori  
Pilotte, Maurice  
Shaw, Barbara  
Tahir, Saghir

Arnold, Thomas Jr  
Baroody, Benjamin  
Bruno, Pierre  
Carter, Jeffrey  
Crane, Elenore Casey  
Elliott, Larry  
Gonzalez, Carlos  
Greenberg, Gary  
Haytayan, Harry Jr  
Jasper, Shawn  
Lafamme, Charles  
McDonough-Wallace, Alice  
Messier, Irene  
O'Brien, Lori  
Price, Pamela  
Souza, Kathleen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Davis, Frank  
Gile, Mary  
Kennedy, Richard  
MacKay, James  
Potter, Frances

Blanchard, Elizabeth  
DeJoie, John  
Hamm, Christine  
L'Heureux, Stephen  
Marple, Richard  
Soltani, Tony

Bouchard, Candace  
DeStefano, Stephen  
Hess, David  
Leber, William  
Nutter, Edward

Daniels, Eric  
Field, William  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek

**ROCKINGHAM**

Bicknell, Elbert  
Cady, Harriet  
Davidson, Robert  
Fesh, Bob  
Griffin, Mary  
Kobel, Rudolph  
Moore, Benjamin  
Pitts, Jacqueline  
Roessner, Kurt  
Wiley, Robert

Bishop, Franklin  
Camm, Kevin  
DiFruscia, Anthony  
Flayhan, Mary Lou  
Headd, James  
Letourneau, Robert  
Morris, Richard  
Quandt, Matthew  
Splaine, James  
Winchell, George

Blanchard, MaryAnn  
Carson, Sharon  
Dumaine, Dudley  
Francoeur, Sheila  
Hughes, Daniel  
McEachern, Paul  
Norelli, Terie  
Rausch, James  
Vallone, Matthew  
Zolla, William

Bridle, Russell  
Clark, Vivian  
Dupuis, Roland  
Gleason, John  
Itse, Daniel  
McMahon, Charles  
Packard, Sherman  
Robertson, Carl  
Varrell, Thomas

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Hofemann, Roland

Campbell, W Packy  
Easson, Timothy  
Keans, Sandra

Cataldo, Sam  
Harrington, Michael  
Miller, Joseph

Creteau, Irene  
Heon, Richard  
Newton, Clifford

Rollo, Deanna  
Smith, Marjorie  
Woods, Phyllis

Rous, Emma  
Taylor, Kathleen

Schmidt, Peter  
Vachon, Dennis

Scott, David  
Wall, Janet

### SULLIVAN

Cloutier, John  
Harris, Sandra

Donovan, Thomas  
Jones, Constance

Ferland, Brenda  
Phinizy, James

Franklin, Peter

and the motion to limit debate failed.

The question being, notwithstanding the Governor's veto, shall **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005, become law?

Reps. Itse, Scott, Jasper, Gibson, Bruno, McElroy, Easson, Harrington, Wendelboe, Moore, Crane and Mock spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Reps. Weyler and Jacobson spoke in favor and yielded to questions.

Reps. Carter, Edwin Smith, Patten, Guay and Whalley spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

### YEAS 245 NAYS 128

#### YEAS 245

#### BELKNAP

Allen, Janet  
Flanders, Donald  
Russell, David

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Clark, Charles  
Nedeau, Stephen  
Whalley, Michael

Fitzgerald, James  
Pilliod, James

#### CARROLL

Derby, Mark  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Hatch, Paul  
Stevens, Stanley

Olimpio, J Lisbeth

#### CHESHIRE

Allen, Peter  
Eaton, Daniel  
Laurent, John  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Batchelder, Robert  
Espieffs, Peter  
Liebl, George  
Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

Dexter, Judson  
Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Webber, Amy

Dunn, James  
Hunt, John  
Meador, David  
Pratt, John  
Slack, Pamela  
Weed, Charles

#### COOS

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

#### GRAFTON

Akins, Ralph  
Diamond, Estelle  
Nordgren, Sharon

Almy, Susan  
Dudley, Terri  
Scovner, Nancy

Benn, Bernard  
Hammond, Lee  
Sokol, Hilda

Densmore, Edward  
Naro, Debra  
Solomon, Peter

#### HILLSBOROUGH

Balcom, John  
Brundige, Robert  
Carter, Mark  
Cote, Peter  
Emerton, Larry  
Gargas, Carolyn  
Hall, Charles

Baroody, Benjamin  
Buckley, Raymond  
Clayton, William  
Desmarais, Vivian  
Fields, Dennis  
Gorman, Mary  
Hallyburton, Margaret

Batula, Peter  
Cail, Kenneth  
Clemons, Jane  
Dokmo, Cynthia  
Ford, Nancy  
Graham, John  
Haytayan, Harry Jr

Bergin, Peter  
Carlson, Donald  
Cote, David  
Drisko, Richard  
Furman, Christine  
Haley, Robert  
Irwin, Anne-Marie

Jean, Claudette  
Kudalis, Debra  
Leach, Edward  
Mercer, Robert  
Movsesian, Lori  
Ross, Lawrence  
Spiess, Paul  
Tate, Joan

Johnson, Lionel  
Kurk, Neal  
Lefebvre, Roland  
Messier, Irene  
Palangas, Eric  
Rowe, Robert  
Sullivan, Francis  
Wheeler, Robert

Konys, Christine  
LaFlamme, Paul  
Malloy, Chris  
Milligan, Robert  
Pappas, Christopher  
Schulze, Joan  
Sullivan, Peter

Kopka, Angeline  
Lasky, Bette  
McDonough-Wallace, Alice  
Moran, Edward  
Pilotte, Maurice  
Shaw, Barbara  
Sweeney, Cynthia

### MERRIMACK

Anderson, Eric  
Colcord, J D  
DeJoie, John  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna

Blanchard, Elizabeth  
Currier, David  
DeStefano, Stephen  
Hager, Elizabeth  
Kenison, Leon  
MacKay, James  
Perkins, Randy  
Seldin, Gloria

Bouchard, Candace  
Daniels, Eric  
Fraser, Leo Jr  
Hamm, Christine  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
French, Barbara  
Hess, David  
Leber, William  
Osborne, Jessie  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Carson, Sharon  
Corbin, Corey  
Dodge, Robert  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Rogers  
Langley, Jane  
McEachern, Paul  
Pantelakos, Laura  
Robertson, Carl  
Shultis, Elizabeth  
Tufts, J Arthur  
Weyler, Kenneth

Belanger, Ronald  
Casey, Kimberley  
Dalrymple, Janeen  
Doyle, Christopher  
Gillick, Thomas  
Holland, James Jr  
Katsakiores, George  
Langone, John  
Norelli, Terie  
Pitts, Jacqueline  
Roessner, Kurt  
Smith, Paul  
Vallone, Matthew  
Wiley, Robert

Blanchard, MaryAnn  
Coës, Betsy  
Davidson, Robert  
Flanders, John Sr  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Quandt, Matthew  
Ruffner, Walter  
Splaine, James  
Waterhouse, Kevin  
Zolla, William

Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Francoeur, Sheila  
Gould, Kenneth  
Johnson, Robert  
Kelley, Jane  
McCann, Richard  
Packard, Sherman  
Rausch, James  
Scamman, Stella  
Stone, Joseph  
Weare, E Albert

### STRAFFORD

Berube, Roger  
Creteau, Irene  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Taylor, Katherine  
Wall, Janet

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Snyder, Clair  
Twombly, James

Callaghan, Frank  
Heon, Richard  
Knowles, William  
Rous, Emma  
Spang, Judith  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra  
Rodeschin, Beverly

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Phinizy, James

### NAYS 128

### BELKNAP

Ahern, Omer Jr  
Rice, Thomas

Dewhirst, Glenn  
Wendelboe, Fran

Laflam, Robert

Lawton, David

### CARROLL

Babson, David Jr  
Mock, Henry

Brown, Carolyn

McConkey, Mark

Morrow, Harry

**CHESHIRE**

None

**COOS**

Brady, Mark

**GRAFTON**

Alger, John  
 Gilman, G Michael  
 Maybeck, Margie

Barker, Robert  
 Gionet, Edmond  
 Sorg, Gregory

Dorsett, Andrew  
 Ham, Bonnie  
 Williams, Burton

Eaton, Stephanie  
 Ingbretson, Paul

**HILLSBOROUGH**

Adams, Jarvis  
 Artz, Lawrence  
 Bergeron, Jean-Guy  
 Buhlman, David  
 Christiansen, Lars  
 Gibson, John  
 Hagan, Barbara  
 Hinkle, Peyton  
 Jasper, Shawn  
 Lawrence, James  
 McHugh, Claire  
 O'Brien, Lori  
 Reeves, Sandra  
 Stepanek, Stephen

Allan, Nelson  
 Balboni, Michael  
 Bouchard, David  
 Carter, Jeffrey  
 Coughlin, Pamela  
 Gonzalez, Carlos  
 Hansen, Ryan  
 Holden, Randolph  
 Kerns, J Edward  
 Lessard, Rudy  
 McRae, Karen  
 Pappas, Marc  
 Scanlon, Michael  
 Tahir, Saghir

Allen, Timothy  
 Barry, J Gail  
 Brassard, Paul  
 Cernota, Albert  
 Crane, Elenore Casey  
 Goyette, Peter Jr  
 Harrington, Paul  
 Hopper, Gary  
 L'Heureux, Robert  
 Luebker, Bernard  
 Mooney, Maureen  
 Pepino, Leo  
 Slocum, Lee  
 Vaillancourt, Steve

Arnold, Thomas Jr  
 Beaton, William  
 Bruno, Pierre  
 Chabot, Robert  
 Elliott, Larry  
 Greenberg, Gary  
 Hawkins, Ken  
 Infantine, William  
 Laflamme, Charles  
 McElroy, Henry Jr  
 Mosher, William  
 Price, Pamela  
 Souza, Kathleen  
 Wheeler, James

**MERRIMACK**

Dunne, Christopher  
 Langer, Ray  
 Ouellette, Robert

Field, William  
 Marple, Richard  
 Soltani, Tony

Foley, Albert  
 McCormick, Tom

Kennedy, Richard  
 Nutter, Edward

**ROCKINGHAM**

Bicknell, Elbert  
 Clark, Vivian  
 Fesh, Bob  
 Headd, James  
 Itse, Daniel  
 McKinney, Betsy  
 Noyes, Richard  
 Varrell, Thomas

Bishop, Franklin  
 Duffy, James  
 Flayhan, Mary Lou  
 Hughes, Daniel  
 Kobel, Rudolph  
 McMahon, Charles  
 Priestley, Anne  
 Welch, David

Cady, Harriet  
 Dumaine, Dudley  
 Gilbert, Karl  
 Ingram, Russell  
 Letourneau, Robert  
 Moore, Benjamin  
 Putnam, Ed II  
 Winchell, George

Camm, Kevin  
 Dupuis, Roland  
 Griffin, Mary  
 Introne, Robert  
 Manning, John  
 Morris, Richard  
 Smith, Donald

**STRAFFORD**

Albert, Russell  
 Harrington, Michael

Campbell, W Packy  
 Newton, Clifford

Cataldo, Sam  
 Scott, David

Easson, Timothy  
 Woods, Phyllis

**SULLIVAN**

None

and lacking the necessary two-thirds, the Governor's veto was sustained.

**MOTION TO PRINT REMARKS**

Rep. Burling moved that the debate on consideration of the Governor's veto of **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures be printed in the Permanent Journal.

On a division vote, 259 members having voted in the affirmative and 113 in the negative, the motion was adopted.



## DEBATE ON HOUSE BILL 1

Rep. Itse: Thank you, Mr. Speaker, and Honorable representatives to the General Court. I for one like to think about zero based budgeting because it tells you where you are. It adjusts the last budget for inflation and population growth. But when you make that assumption, you assume that all the operations and programs of government are necessary and efficient. Now having dealt with the machinations of government, we all know that's not true because government does few things well and most things poorly. However, accepting that assumption, zero based budgeting for the next budget would bring us an increase of 6 ½ percent. To increase the budget by 8 percent in a period of economic malaise, when economics are fearing deflation, is not wise. Worst of all, the 2004-2005 budget creates new spending which in the following biennium will require new taxes.

I moved here in 1991 from Massachusetts. I always have characterized myself as a political refugee from the state of Massachusetts. I was very proud to be moving to a conservative state. However, today I find myself in an awkward and even sad position when the Massachusetts legislature is behaving more responsibly, more conservatively than we have, for they enacted a 1 percent budget decrease, when we have enacted an 8 percent or more increase depending on what basis you assume. And this when our Governor is asking for, demanding less.

I'd like to make a comparison here, a lesson from history. Most of you remember the story of Jacob and Esau. Esau was a hunter. He came in from a hunt, hungry, tired; so hungry he was willing to trade his birthright, his inheritance, his heritage for a bowl of stew his brother happened to have ready. Today Jacob's descendants inhabit Israel. Esau's descendants don't exist. That's the fruit of expediency. We are in a similar position, whether to take the expedient route or to strive for economic security for our state for the foreseeable future. If the Governor's veto is overridden, we should all hang our heads in shame for we will have mortgaged away the New Hampshire advantage. We will be selling away our children's future, their heritage, for convenience today.

If not us, who is going to stand? If not now, when? It is the time. The time has passed for us to stop growing government faster than the people's pocketbooks. It is time for us to start controlling this behemoth, the ever-growing, ever-consuming monster that we call government. Thank you.

Rep. Weyler: Thank you, Mr. Speaker. I'll try not to repeat myself from last week, but I may allude to some points I made then. You know I'm not a big spender. What I told you last week was we tried to make a more accurate report in HB 1 and in doing so we listed spending that had not been previously listed. That allowed it to appear to be a greater increase than in fact it was. I'm sorry my colleague is not sitting there in the front row because I wish to allude to some history. He got up here last week and he said "worse case scenario will be 200 million dollars in the hole at the end of the biennium." He said "worse case." The media didn't bother to report that. They just treated it as if it were fact, "Oh, we will be 200 million in the hole, we need an income tax." Boy, are they misinforming the public on this. That's how they get 72 percent saying, "Yes, veto the bill." Misinformation, misinformation.

Let me go back to some history between my colleague and myself. I have followed his lead basically since 1995 to the tune of about 95 percent of the time we agree. Approximately 13 months ago, he and I were looking at the same revenue figures for 2002 which were coming up short. We both were studying the same figures, for April which is a very important month, and he said to me, "Boy, in June 2003, we will be 100 million in the hole". I said, "No way." I'm looking at the same figures he is and I'm saying at most, if we are in deficit, it will be covered by the rainy day fund. Now, I ask you, who was correct? But I wish he were here to agree with what he and I had said in that conversation 13 months ago. He predicted 100 million in the hole and I said no more than the rainy day fund. I was correct. He was wrong. I say his 200 million now is very much overly pessimistic. That won't happen.

The mix we use in revenue has sustained us very well. In good times it rose at 6 percent. In less than good times, it rose at something less, sometimes as little as 3 percent.

Now when the budget was formed in 2002 and 2003, we assumed about a 5 percent revenue growth rate. It didn't happen. We're now presuming a less optimistic growth, probably around 3 percent growth which will probably be close to what will happen. That will cover this HB 1. That will make it work. That's what we do when we sit down. (Sorry Neal, you missed the whole piece when I talked about your conversation, you and I.) But will it lead to an income tax, I don't think so.

There's also a big debate on what is "one-time money". I remember in '95 when we got 200 million dollars from the federal government because what had caused our problem —Medicaid spend-

ing. They realized that the program was very much underestimated on the federal level, they had to give us more money. They gave us, through a slight-of-hand, we got 200 million. We needed 100 million of it in '95 to balance the budget and we used it. We put the other 100 million aside for the Healthcare Transition Fund which later became the Healthcare Fund which is now down to 30 million, which will likely disappear in the next biennium. But we have gotten a few good years out of it and on top of that we got more money because what was the problem with this next budget? Medicaid spending, provider payments. Yes, they are going to have to figure out something at the federal level to take care of this Medicaid funding which is being downloaded on the states, and downloaded on the counties and who knows where it will be downloaded next. That's got to be taken care of at the federal level.

But every piece of "one-time money" could be argued. Cuts in the back of the budget, I remember them in every budget. How could they be considered "one-time" money? But a big point that I want to address, and I hope you all listen to this, is the mutual respect between the branches of government. We are very cautious when we look at the judicial budget and we hope they regard us with the same respect. I'm not sure that they do. I told you last week that the way to really save money is not to vote to kill the budget and then expect something will happen. That isn't the way it works. It takes step by step, department by department, thorough analysis.

Earlier this year I had a bill I brought before ED&A, Executive Departments and Administration, which said "those who disregard the rules and laws of this state should find consequences." I guess that bill is in study. But I am really scared when I hear the Governor and the Attorney General decide which laws they will choose to disregard. I brought in a pile of probably 8 or 10 LBA Performance Audits and in every one of them there was the statement, "This department does not obey it's own rules or the laws of the State of New Hampshire." And I ask, what happens as a result of that? Nothing. Maybe 5 years later when they look at their audit again they'll say "O.K., are they still disobeying their own rules and laws." O.K., they get a check off that they didn't; but nothing happened to the bureaucrats that chose to disregard our law. That's what we are hearing. I remind you, HB1 is the budget for the State of New Hampshire. It is first, last, and always, a legislative document. You have been chosen by the constitution and the people of the United States because each one has to go to the corner drug store, or the post office, or the little convenience store and listen to all the people because they are going to hammer you one way or the other. Each one will have his own special interest he will want to talk to you about. You are the people's voice. You have decided through those who designated the Finance Committee, the Committee of Conference, that this budget was O.K. We thought it was O.K. when it passed the House. By the way, I don't remember a good word from the Governor when it passed the House. He didn't like the House budget until he saw the Senate budget. Then all of a sudden he's trying to get your votes by saying, "I really like the House budget." Where were you in May? But I digress.

I want to see some mutual respect here. This is our budget. This is our document. This is legislative. The Governor can do what he likes within the realm of that document. But this is first, last, and always a legislative document. By constitution it must originate in the House. I would like to see a little respect for the work we have done here. I would like to see a little respect for what we have done. I would like to see a lot less misinformation. We have held informative sessions where about 100 people came. I wished it had been 350. But 100 people were interested in knowing the details and asking questions and I did my best to answer those questions. I hope you will support the override of this veto and maintain the supremacy of this body in all matters of budget. Thank you.

Rep. Mark Carter: Thank you, Mr. Speaker. Rep. Weyler, I understand that this biennium budget is a fully balanced budget. In fact, it has a surplus and I thought that perhaps I heard you say that there was a 200 million dollar deficit. Could you clarify?

Rep. Weyler: Wow, there goes the misinformation again. I said, I totally disagreed with my colleague who said there would be at the end of this budget a 200 million dollar deficit. And I gave the example of 13 months ago, when he said to me there would be a 100 million dollar deficit, as of this date. I disagreed with him then. I disagree with him now and I offer my batting average over his.

Rep. Scott: Thank you, Mr. Speaker. Honorable members of this House. I arise in support of the Governor's veto for two reasons. In Dover, my District 71, I find an overwhelming number of people who say limit state spending. Secondly, I find that our collections so far, through May of this year

are running behind our plan. Not only that, but the three main drivers which represent about 50 percent of our revenues, which is the business activities tax, meals and rooms tax, interest and dividends is now running 70 million dollars behind the plan. Now that is offset by several other items, for example, the liquor and beer tax and the tobacco tax are running better than budget. However they together represent only 12 percent of our spending. We would have to drink a lot of beer to be able to offset the losses we're having on the big drivers. Consequently, I feel that it would be imprudent to continue our spending at the rate in the budget and I'm going to vote "no" to sustain the Governor's veto.

Rep. Jasper: Thank you, Mr. Speaker. I rise in support of the Governor's veto. I want to address something that one of my colleagues said a couple of minutes ago talking about whether it would be a 100 million dollar deficit last year and where we ended up. I would ask you all to remember that this Governor and the former governor, had to issue executive orders not to fill positions, to cut spending in order to meet those targets. We also ended up with over 20 million dollars between the sale of Seabrook and one-time debt where we got over 16 million. So I would submit to you that our budget is not in balance now. There probably will be a revenue shortfall and when you add all the things together, we were not in very good shape.

Mr. Speaker, my senator stated in defense of this budget that government is about compromise. Mr. Speaker, that doesn't fit any definition of government that I know. Politics is, of course, about compromise, but I would submit that good politics rarely translate to good government.

Government is by definition about control. In order to have good government, it is necessary to have that control based on a set of principles and principles are something that should not be compromised. Much of our work here does not involve principle but it is instead based on theories. Those theories allow for plenty of room for compromise. Mr. Speaker, what you are asking Republicans to do is to go against our core beliefs in smaller government and in government living within its means. No argument has been made to show that this level of spending can be maintained without new or expanded taxes. My vote today will not be a vote against leadership or a vote for the Governor. It will be a vote of conscience based on principle. And Mr. Speaker, I know that if the Governor's veto is sustained, you will work with us to see that government is not shut down.

But Mr. Speaker, for those who do not subscribe to my principles of government, I ask you to consider two points. The first is a point of law. What we refer to as the "rainy day fund" is RSA 9:13-E, the Revenue Stabilization Reserve Account. This law requires that the transfers may be made only when two conditions are met. Those conditions can only be met after the close of the biennium. When we include transfers from this account as a source of revenue within a budget, it is clearly a violation of the law. Have we changed the law? If we changed it without knowing it, shame on us. But if we didn't, and I don't believe that we did, then now is the time to stand up for the law. How can we expect anyone in this state to respect our laws, if we don't have respect for them?

The second point is the issue of the Tyco settlement and this is a settlement, a signed document that I saw this morning. Tyco agreed to make a donation to an investment education fund within the University of New Hampshire. We signed that and we agreed that we would establish that. Within this budget, we have taken that 5 million dollars and used it for our own purposes. But the fact of the matter is that that money does not exist. The first 2 ½ million has already been transferred to the fund and the second 2 ½ million dollars will in all likelihood not come to the state because we have violated a signed agreement by doing this. Mr. Speaker, we don't get the revenue. We start with a 5 million dollar hole and we de-fund an area of study, an area of learning that we thought was appropriate. What kind of messages are we sending? The message that I believe these examples send is that when dealing with state government money is all that matters. We need not wonder where our society is heading; we need only look to our own actions. If we don't set the moral and ethical tone, who will? Mr. Speaker, I can stand tall today knowing that I will be doing the right thing for the right reasons when I vote to sustain the Governor's veto.

Rep. Jacobson: Thank you, Mr. Speaker. You know I've been here since 1969 and I've heard these arguments over and over again. It is easy to say we shall end spending. But you know in the period of time that I've been in the legislature, I believe our population has increased 500,000 people in that period of time. How can we have less spending, if that is the case? Our school population has increased and is still increasing. How can we have less spending? Do you know that of the 50 states, we have the lowest ratio of government services and spending in relationship to income of all 50

states. We are not spenders in this state. And during the time I've been in the legislature, the fundamental characteristic has been to conserve. Now, we have a budget. It's not the Governor's budget. It's not the House's budget. It's not the Senate's budget. It is a compromise that is a workable compromise. It may well be true that not everything I wanted is in the budget. It may also be true that there are some things in the budget that you don't want. But the very nature of our legislative process is to try to achieve a compromise and that is what we have done. I congratulate the leadership on getting that compromise. They have to give some in order to get as well.

There's another factor we don't know what's going to happen ahead of time in terms of our economy. We can predict but very often these predictions are incorrect. But we do have an opportunity next January to make adjustments to the budget. We have done that before and we can do it again.

You got the Governor's letter and what intrigued me about the Governor's letter, he never talked about the budget that we are considering. He's talking about a budget in 2006, 2007. But we have nothing to do with that budget. We may or may not be here when that budget comes up for consideration. At this moment, we cannot lay claim to any part of that budget. As far as predictions are concerned, I have to laugh sometimes, I don't think there's been a session that I've been in, in which there have not been people who are predicting the most dire thing to happen — an income tax. We have done it over and over again. As far as I know, as of today, we have no general income tax. I have to pay taxes on the little income that I have earned because it comes from interest and dividends. That is my income and the income for thousands of people. So we do have an income tax, but we do not have a general income tax on earned income and I don't see one in the future anyway.

So what I would like to say is that back in 1977 when I was a member of the Senate, at that time, the Governor vetoed the budget. It created a problem that lasted, as far as I can remember, into October. So, I would urge you to support this budget because if the problems develop, we can make alterations come next January. So, the time is now to make a decision in the interest of the people of New Hampshire and to support the override. Thank you.

Rep. Kerns: Thank you, Mr. Speaker. Rep. Jacobson, are you leading this body to believe that we are not accountable or responsible today for the decisions that have a fiscal impact a few years down the road? And are you suggesting that we can knowingly drive ourselves into a ditch just because we know a good tow truck company, Representative?

Rep. Jacobson: No, that is not true. We have a system that every two years there must be a review of the expenses that we have. Now, some of those expenses are incorporated into the general structure of our government services. There will be repeats but technically speaking, we have only the responsibility for 2004 and 2005. And now you are going to get a little advice.

Rep. Lefebvre: Well, Representative Jacobson, '69 and '73, as you well know, I'm a Democrat and you are a Republican. It's difficult sometime to understand the interpretation of perhaps both sides. If I understand your interpretation correctly, would I be correct in assuming that you have absolutely more faith in the 400 members of this House than you have faith in the one in that corner office?

Rep. Jacobson: Well, I certainly have faith in the members of the House because I believe in the democratic system but I would not say that my faith is absolute. I'm open to consideration and concession.

Rep. Gibson: Thank You, Mr. Speaker. Today is a solemn and historic day for New Hampshire. We are summoned here to decide the course the state will take for the next decade. We are here today to see if the principles of the Republican party are alive and well. Today, Mr. Speaker, we are being asked to decide whether the leadership of this legislature is right in spending a billion dollars over the last budget, over the last budget of the Shaheen administration, or is the Governor correct to veto a budget that fails to live within it means? A budget that uses 212 million dollars in one-time revenues, and Mr. Speaker, I truly believe this — this budget will saddle this state with an income tax in fiscal year '06. Mr. Speaker, the Governor is right. I admire his courage. The Governor has shown his willingness to keep his promise to defend the New Hampshire advantage. Mr. Speaker, this is leadership. Doing what is right even though it may not be popular. Mr. Speaker, when I look to my left I see a lot of smiley, happy faces. The opposition party is really enjoying this. We have done, and I'm not talking me, I'm talking the leadership in this legislature has done more damage

to the Governor, than the minority leaders in both houses and the state Democratic Party leader could ever dream of. Mr. Speaker, I ask you why? Mr. Speaker, is increasing state spending by a billion dollars that important? So much for Republican principle if it is. Mr. Speaker, for me this is what it means to be a Republican and this is only me. You believe in fiscal responsibility, you believe in less taxes and you believe in less government. The Governor is true to his word. Mr. Speaker, The Governor stated a few weeks ago at a legislative function, "The House budget passed in April was acceptable." Mr. Speaker, there were members of legislative leadership present at this meeting. So leadership knew what the Governor considered acceptable. So why the surprise and why the personal attacks? Mr. Speaker, this was a big game of chicken. The Senate passed an outrageous 13 percent increase in state spending. And yes, the committee of conference passed an increase of a billion dollars over the last budget. The leadership of this legislature thought that the Governor would blink. Mr. Speaker, the leadership gambled and lost.

Mr. Speaker, the Governor kept his word. Now the leadership of this legislature played a new game. The game of government shut down. They want you know to override this veto and increase state spending by a billion dollars and embarrass the Governor. Why? The reason today is we've got to keep government open. Mr. Speaker, I expect to hear something like that from the opposition party, not the Republican party. Mr. Speaker, I am confident this House will pass a continuing resolution to make sure government remains running. We all have a responsibility to ensure that. So stop using this as a threat. I am very confident, as a member of House Ways and Means Committee, that this budget will not create a surplus. I want to repeat, not create a surplus.

Let's just take a look at it. The revenues, even though there's minimal growth, House Ways and Means had a pretty rosy growth picture. It's not happening. The use of 112 million dollars in one-time savings and revenues is a tell-tale sign that something is wrong. When spending, when the growth and spending outpaces the growth in revenue, you know something is wrong. This budget will create a huge hole in fiscal year '06. We must look to the future. We cannot pass this debt on. Mr. Speaker, we have the responsibility to protect the New Hampshire advantage. We have resisted the siren call of big government for the last 250 years. Now, we embrace it. Why? Just to send the Governor a message? What has happened to our traditions, Mr. Speaker? What has happened to our values? Mr. Speaker, we are at a crossroads here today. If you join the leadership of this legislature and you vote to override that veto, you have chosen the road of big government and Massachusetts-style taxes. You know it's kind of funny, Mr. Speaker, they're laughing about it because they know it's going to happen and their dream will come true. Mr. Speaker, you can join with me and others today and do the right thing. We can sustain the Governor's veto, stand up for cherished Yankee values of less government, less taxes and personal responsibility. Most importantly, we can do what is right for New Hampshire. Mr. Speaker, I will stand with the Governor because he is right and knows, like I, that New Hampshire is worth fighting for. Thank you, Mr. Speaker.

Rep. Bruno: Thank you, Mr. Speaker. I rise today to sustain the Governor's veto because I made a promise when I was campaigning. I campaigned for limited government, lower taxes and local control. Some of you might be surprised to find this little fact out but three sessions ago when I was a freshman, I was an income taxer. I was a steadfast income taxer until I saw some member come right down to this very well and say to me that an income tax isn't bad. It's just like taking money out of a different pocket. That changed me. No, I'm sorry, she said "extracting money." And the word "extract" reminded me of going to the dentist when I have teeth extracted. It's not a pleasant experience. I've been trying to get rid of smoking cigarettes and I hope I can be as successful with quitting that because those reformed cigarette smokers are always adamant against smoking. Well, I'm a reformed income taxer. New Hampshire's at a crossroads right now, Mr. Speaker. We have a beautiful, rural state and we face development. However, without development we have no economy. I was just elated when Governor Benson presented his budget and talked about how the economy was going to be stimulated. By stimulating the economy, then we could have the revenues we need for the increased spending that my esteemed member from New London talked about. Sure, we need to spend more but we need to have the revenues for it and the way to get the revenues is to get some business going. Otherwise we have the same dollar bill going around and around and around in this state. We thank God that we have tourists that bring in a couple other dollar bills with them and leave them here.

What we are starting to do is we're loading more baggage to the ship of the state that is sinking in red ink. We're using bubble gum to plug the leaks. Instead of adding more baggage, we should not

be adding more baggage until we are stabilized. What happens when we run out of bubble gum? Are we going to start taking some of the pieces of bubble gum out of the other leaks and trying to patch those remaining leaks? I don't think so. This budget is about more than dollars. It's about the future of our state. Do we want to leave our children in debt? This is my third budget session, Mr. Speaker. I'm a simple man. I deal with bottom line. I really give my heartfelt congratulations to all the members who worked on the budget because they do a phenomenal job. But I say, Mr. Speaker, that no one has a handle on the entire budget. If they do, they still don't know where each and every dollar of that budget is being spent once it goes to the departments. Yet over the years I have been here, I've seen every effort to oversee the operating efficiency of our government thwarted. My first budget was the year after the balanced budget act. Governor Shaheen was blamed for inflating it for the past two sessions. Now who's to blame? When we talk about a balanced budget, what does that mean to you? I've been at home trying to figure it out and I told my wife, and my wife said to me, "It's simple. Your checkbook is \$1,000 in the red. You get your bank statement and it agrees with the bank statement that you owe them a \$1,000. Your checkbook is balanced. No problem." Well, I think a balanced budget to us means a lot more. What will a sea of red ink mean to your children? Remember, this will set the destiny for what business we do in this state for a long time to come. I urge you to make good on your campaign promises and I urge you to support the Governor's veto. Thank you, Mr. Speaker.

Rep. Elliott: Thank you. I just went downstairs, would you believe, I just went downstairs and spoke to the LBA? I wanted to figure out what was going on with the back of the budget unspecified reductions. The 20 million dollars, specifically, for Health and Human Services. Would you believe 1.9 million dollars in each year goes to reduce employees? The other 16 million the Commissioner will get to decide. He does have to ask the Fiscal Committee. I remember Rep. Kurk telling us that he was trying to get the Fiscal Committee to make less decisions for the House and to have the House make more decisions. My question is I wonder if you'd cut Meals on Wheels or services for disabled folks, how will those decisions be made? Could you believe that this House is about ready to pass a budget that does that? That passes that responsibility over to an agency instead of doing it itself?

Rep. Bruno: My esteemed colleague, I am glad you didn't ask me to cut the budget for Meals on Wheels but I would certainly believe you because you are on the Finance Committee. Thank you.

Rep. McElroy: Thank you, Mr. Speaker. Honorable Representatives. I rise here today in support of the Governor's veto because I rise in support of an irrefutably balanced budget. I do not see that right now. I see a lot of confusion on our own part. I see that our revenue trends have been down. Our business and interest taxes have been going down. Then, last Wednesday when Alan Greenspan of the Federal Reserve gave his reduction of the prime interest rate and then he went further and said, "We have not reached the bottom of this recession yet." If our revenues are trending downward, he just said they are going to continue downward even more. Because you need to keep in mind that those of us who are living on our principal and interest, those are going to be going down because of the drop in the prime rate. Our business and interest taxes are going to continue downward, so I think the responsible thing that we should do with just the federal numbers, if nothing else, we need to rework this budget and take the 3 to 5 percent out now before we get started. Thank you.

Rep. Mark Carter: Thank you, Mr. Speaker. Distinguished members. Let's boil this down. There's a 60 million dollar difference here from what the Governor is willing to accept to what the House and Senate had adopted. The Governor wants to put it in the bank. Those who want to override this veto want to spend it on desirable social programs. I personally can't look real people in the eye and say we can't give you the services you need in order to put the money in the bank. The Governor has not done his job yet in finding waste. He hasn't had a chance to do his job yet. He's cutting substance not waste and waste is what he promised to cut. We should override this veto and let the Governor do what he promised us he would do. And what he promised the people he would do. Will we have to cut substance in 2006? Well, we may have to do that. But this isn't 2006, this the 2004 budget we are talking about and it's a balanced budget, in fact, it has a small surplus. I will not vote to put money in the bank today and to withhold essential services. It's not in the people's interest and I urge you to vote to override the Governor's veto. Thank you.

Rep. Easson: Thank you, Mr. Speaker. I shall keep my remarks brief today. I have noticed that there have been some personal attacks made against our Governor for vetoing this budget. I've heard it said that the Governor is just a political novice. Being Governor is just a hobby for him. He's not willing to compromise. His behavior is erratic. He doesn't know what he is doing and he's out of control. Ladies and gentlemen, the Governor is not an issue today. The budget is. The Governor's decision to veto the budget was the right thing to do regardless of his motives, real or perceived. I am basing my vote on the merits of this budget and the good of my constituents and our state and nothing else. It's time to put the last election behind us. The time to stand in judgment of the Governor is not now but next fall when he seeks re-election. I have a great deal of respect for the members who have worked hard on this budget. Some members, in particular, I consider to be my friends. However, after all analysis, I disagree with this budget in principle and on principle I must stand. I hope that my constituents will pay attention to this vote today because when they do, they will see their representative keeping his word to support lower spending in this state. Let's send the committee of conference back to work so our constituents can have a better budget. Thank you.

Rep. Edwin Smith: Thank you, Mr. Speaker. I've known Speaker Chandler for 11 years. As a freshman I was assigned to the Public Works and Highways Committee and I learned from his leadership as chairman of that committee. It has been my experience, Speaker Chandler is, above all, a man of his word, few that they may be. I have come to respect his judgment and honesty. While other commitments and responsibilities kept me from attending most of the deliberative budget sessions, in discussions with Speaker Chandler, I have come to understand the budget well and trust it will serve the people of the state while keeping fiscal needs in the forefront of our considerations. In contrast to the truth, trust and faith with Speaker Chandler, a veto message from Governor Benson stated and I quote, "I am convinced that if the General Court will work with me, we can quickly come up with a budget that is acceptable to all three participants in this process." While at the same time, the Governor is using his specially ordered 2x4 veto stamp to get attention. I for one do not feel that as an elected official, it takes a 2x4 to get my attention. I also know my colleagues in this House take their elected positions seriously, more seriously than implied by the use of a 2x4. I ask you who is showing respect for the members of this body? We all serve in this body because we sought the privilege and it is a privilege to serve with each and every one of you. We clearly do not do it for the money. We do it because we want to serve the constituents who elected us, our communities and our state. We need to vote to override this veto today on this budget that was passed by this body only a few days ago. The budget continued many but not all programs in a most economical way. My constituents are not in favor of cuts. They are interested in economy in government. The best bang for the buck. I think we have it in this budget as passed last week in this House. We are the board of directors for the government of this great state. Unlike a typical board, we are elected to serve our constituents, not to answer to an executive. We must be aware of the executive branch and cooperate wherever possible while still maintaining our independence. Since a line has been drawn in the sand, now is the time for this body to do what is right and support the recent action of this House by overriding the veto. The budget passed by this House last week has many things that I personally am not convinced are necessary. There are also things in there which I think should be funded. I know I'm not alone in this view. We all realize 235 votes from a total of 359 cast is very representative of the process and concessions that were made over the last several months were workable and supportable for all 3,089 constituents we each represent back home. Please respect your elected position and remember our government and society are an example to others throughout the world. Our political system based on checks and balances between the branches of government requires us as elected officials to provide the best possible standard of living for our citizens which the budget that we are currently looking at does. If the veto is sustained, countless hours of work and hard fought compromises that went into the budget will be lost. It would also force us into a situation where decisions will be made based on speed and not allow for the careful consideration under which the current budget was crafted. Please support the House position by voting "Yes" to override.

Rep. Harrington: Thank you, Mr. Speaker. I'll be very brief. Low taxes are the result of low spending. That was true years ago when Mel Thomson said it and it's true today. We spend this additional money, we will inevitably will have to raise taxes. For the last six years the Republicans have blamed the Democrats for the increases in spending. We couldn't do any better because the Gov-

ernor was a Democrat. We no longer have that excuse. It's up to the Republicans today to stand up and vote on what we supposedly stand for – controlling spending and the tax increases we won't have to worry about. If we end in a 200 million dollar hole, the only way out of it is a massive tax increase. We are not going to get tricky like we have in the past sometime to get out; that's too much money. This is a step, this budget is a step down the wrong road. It's the road to more spending and more taxes. I urge you all to please join me and upholding the Governor's veto. Thank you. Rep. Moore: Thank you, Mr. Speaker. I rise to sustain the Governor's veto of the budget to House Bill 1. There are some things in the budget that I don't agree with and one of them is the structural deficit "so called." If an individual spends more than he takes in, sooner or later he's going to be Chapter 7, 11, 13 or whatever else. Of course, you rely upon funds that come from the government and stuff like that, but what if it doesn't show up? Then you have a problem. I also object to the spending of one-time funds which may never again occur. All this is a gamble. If you roll the dice and they come up 11, you're in great shape. But if it comes up snake eyes, forget it.

I grew up at a time when it was a practice for your parents to say, "We can't afford this." Still, they took care of the needs you had. You had a house to live in, clothes on your back, food on the table, a warm place to sleep and you were tucked in every night. But when you asked for something that was a want, if you said, "Gee, I'd like to have a new pair of skis, Ma," she'd say, "We can't afford that." And you didn't get it. I have lived my whole life on that same principle. What you need, you buy. What you don't need, you don't buy and most of all, if you borrow, you can find yourself in considerable trouble. So, I suggest that we sustain the Governor's veto. Support the Governor, after all, he did get elected by an overwhelming majority. There is also one saying that I've lived by and a lot of people know it, and that is, "Tough times never last, but tough people do." And if you're tough, and you're willing to stick with things and refuse to spend money recklessly, you may be better off in the long run. Thank you very much and God bless you all.

Rep. Crane: My husband knows that I have been following this and reading an awful lot of materials and newspapers lately. He handed me a newspaper the other day and I read some of the stronger comments. "Proposed in my budget message to you is a hold-the-line budget with increases related to normal revenue growth." Along with this hold-the-line budget, he added, this is from The Telegraph, "is my determination to put an end to the practice of passing inadequately funded legislation." Then my husband proceeded to tell me that he had found this paper while renovating our bathroom. It's from 1969. It was Governor Peterson pledging a tight rein on state budget.

Governor Benson is not doing anything differently than every good Republican governor has tried to do in the State of New Hampshire. He's trying to hold the line on spending. It's the reason a lot of us new people were elected. There's 83 million dollars that fell from the sky and I cannot imagine that as good Republicans that we don't realize if we commit ourselves to spending that money today, we're committing ourselves to spending that money tomorrow and where is it coming from tomorrow? I suggest that this is a losing battle for all of us. It's a losing fight unless we go back. We look like we're cooperating with each other. We try to rework the budget. We extend an olive branch to the Governor and we say we want to do something about this budget or we are all doomed to self destruction 'cause you know as well as I do it's going to come down to this: There's going to be the Governor's camp and there's going to be leadership's camp and we are going to be squeezed in between the middle. Don't do that. Extend the olive branch to the Governor and let's start to rebuild and restore some of these relationships. I'm very concerned, this is the last point that I will make, these comments about the Governor. He has been given zero credit for all the efforts he's made towards the legislature. I have personally, as well as every single one of you, been invited within a two month period to speak to him twice in groups of five and ten. First at Upham Walker House and then at the Governor's mansion. I don't know any other Governor that has done that. I support leadership. I have great respect for Neal Kurk and some of the other people who have put their heart and soul into this budget, but I cannot stand idly by and watch this character assassination of our Republican governor when I know it is patently false. He has reached out to us. He has asked for our opinions on judgeships, on commissions. He has asked for our opinions and he has asked for the opinions of leadership. And it is simply unfair, we need to start cooperating or we are all going to be basically out of office.

Rep. Patten: Thank you, Mr. Speaker and members of the House. The poet laureate spoke a hopeful message to me on Governor Craig Benson's inauguration day, maybe only to me, but that



message was let's have our rude and raucous disputations during the cold winter months as a quorum of neighbors so that by the time the summer solstice came around our work will be done and we could go home to our fields, our woodpiles, and our families. I stand here today ready to vote for an override of the governor's veto. Last Tuesday I voted for the committee of conference report on the budget but I was not sure that I'd be able to support an override. As usual I wait until the final budget proposal is adopted and then figure out what it is all about. I'm not good at math, which my committee members know of me very well, but I can see that the numbers are being used by all sides to make their point. I have come to believe the committee of conference numbers because they have had public input, discussion and analysis has been done, appropriately so. During the committee of conference, the House and Senate members not only determined what amounts are acceptable to reduce or to spend, the committee of conference members also determined what revenue numbers are acceptable and usually, finally agree on the same numbers. I spoke with Rep. Eaton this morning who spent every moment with the budget from the beginning to the end. The Governor or his designee was not present to either argue, disagree or work to find the acceptable reductions or spending and the acceptable revenue amounts. Why is known to him, but to me that is significant. As a CEO of a successful business in the private sector, our Governor never had to ask permission. Now, as one of our councilors told us in a Republican meeting in May, the Governor walks out the door and there are five councilors, and then he goes around another corner and there are 24 senators, and finally he comes to the hall and here we are, 399 reps. We all work hard between January and June. The deadlines are published well in advance. All options are open for discussion and consensus or compromise until the deadlines. I ask questions, I do my homework, I listen, I give input, I decide the issue and then cast my vote. Since one-third of the participants chose not to come to the kitchen table, is that a reason why we as representatives should not work together to pass the budget and do the job that the New Hampshire people expect us to do? Please join with me in voting to override the veto. Thank you, Mr. Speaker.

Rep. Vaillancourt: Thank you, Mr. Speaker. I rise to urge my colleagues on both sides of the aisle to sustain our Governor's veto of this budget which, in fact, grows government at a rate of more than twice that of inflation. I respect leadership of this House, I respect leadership of the Senate, I respect everyone here and I think we have honest differences. In answer to the previous speaker's question, the Governor has a right to veto. That is part of our constitution. We have a right to attempt to override. What I hope we do not do is override this veto because we are tired and want to get out of town in a hurry. I listened to a lot of pundits over the weekend, and they said, "Oh, yeah, the House will probably vote to override because they don't want to do anymore work on this budget." That shouldn't be the reason we get out of town. If this budget is flawed, and I believe it is, we should go back to work on it. We should not be in a hurry to accept something that is flawed. What we can do is vote to sustain the veto today and at the same time vote for a continuing resolution to keep government going. I hope that's ready. We had some discussion earlier as to whether it was ready or not, but nobody here wants to shut government down. Having done those two things, we can then tell our leadership, go back to work, go back and meet with the Senate. Come back to us with a budget that is better. Not that this budget is terrible, but we can do better. I think for the people of New Hampshire, not only can we do better, but we must do better and I think we shall end up doing better. Even some of the leaders who are going to vote against the Governor and going to vote to override this veto today, when they are told to go back and work, I believe they will come up with some better ideas to make this budget better and one the Governor can accept. It's a good civics lesson, what we've all been going through and for all the heat and agony that we've had to endure, I guess we have all learned something. Governor Benson was elected by about 60 percent of the vote against a candidate who favored the dreaded income tax. The people spoke loudly and clearly. I was beginning to wonder if, in fact, the people still felt the same. I heard the results of a poll this weekend — 71 percent of the people think the legislature is spending too much, 72 percent support the Governor's veto. Impressive numbers. We can do better, we must do better and we will do better after we sustain this veto today. Thank you.

Rep. Jacobson: Thank you, Mr. Speaker. Representative, I saw two surveys and one said that 72 percent favor sustaining the veto; but I saw the other one which said that 57 percent of the population agreed with overriding the veto. How do we know which is correct?

Rep. Vaillancourt: Well, if we take the average of the two, perhaps that's the best method.

Rep. Guay: Thank you, Mr. Speaker. Members of the House. [...auctioneer calling...]....and whether we bid for or not, where these people in the hall and all the people in the back there, let's appreciate it. We're about ready to sell a package here today. What I want to tell you is actually when the constitution was made, and I see all these people coming to the front and talking about the constitution ever since I've been here. But now is your chance to prove what you are saying and you're backing out. Doesn't make any sense to me. When the former government was made, our governor is not the same type as everybody else in the United States. Our governor is a weak governor. Not the governor itself. Benson is a good man but the system, that's why they have the governor's council. We in the House are empowered to administer the budget, to form the budget and he administers what we do. I would hope today, we've done in my last 26 years I always tried to retain the power in the House regardless of if you get paid or not. And if we sustain today, all those that did the last time, actually we were down to Hampton Beach and we couldn't get 'em that's why it lasted so long because you don't get paid. So the best thing we can do today is proceed the way that we were on our budget. It was a majority that passed it and we should have the same vote here today, much more than the same vote. So, I hope I'm selling something here today that you want to buy. Regardless, if you don't want to buy it, listen to me. Vote to override the Governor. Vote to override the Governor. Recapture your position. Recapture what you've been empowered to do and vote right, vote with the majority to override the Governor's veto. Thank you.

Rep. Mock: Thank you, Mr. Speaker. Mr. Speaker, I rise today in opposition to the motion to override the Governor's veto of House Bill 1. I rise on my own accord, I was asked by no one to speak and I was asked by no one not to speak. I have asked no one to join with me in voting as I am voting today until this very moment when I ask you to join with me supporting the Governor's veto of House Bill 1. As a member of House leadership, I do not take this overt action lightly but I do take it with a very clear conscience. I am well aware in getting up here today of the old saying, "It is better to be silent and thought to be a fool, than to speak and erase all questions." But you know what, I was sent here to be heard, 3,150 people, roughly, I guess sent me here and I will not sell out any principles that I may have. I'm just going to talk like I always talk. Because you know it's been said that when you stop sounding like where you grew up, is when you start getting into trouble. And I'm voting the way I am voting today by pressing the red button for some very important reasons. The first and primary reason that I'm voting the way I am is this: when I walk through those double doors on the last day that I am in this House, I will walk through that door with my principles intact and my conscience absolutely clear. I cannot support this budget. I did not support this budget last week. It's like a bird with a broken wing. It can't fly.

How do I know that the position I have taken is the correct position? I'm not a whiz with figures. I can't even balance my own checkbook. I saved a couple of dollars here and there but other than that I don't know figures. But nothing has happened to my hearing and I listened last week. I heard three distinct messages that were sent to me and those are the ones that I grasped, and those are the ones that made my decision. Speaker #1 came to this very podium, the most respected person in this entire House and Senate, in my opinion, when it comes to the budget and rather matter of factly, that speaker said that at the end of this biennium, this budget is out of tune—to the tune of 200 million dollars. I went and checked that out and found an LBA estimate that says it's really 212 million dollars. Then I heard speaker #2, another respected member of the House Finance committee who stood here and melodramatically proclaimed that the budget was full of smoke and mirrors. Smoke and mirrors! A biennial budget based on smoke and mirrors? No, no, no, I cannot accept that. So where do we go for the 200 million? It must be an increase in business and profits taxes, income taxes, sales taxes, maybe expanded gambling. What else? And then speaker #3 came up here. And speaker #3 in very excellent rhetoric, that nice, soft, cushy stuff that makes you feel good to agree with him. He said that what we should do is pass this budget along to the Governor and let the Governor shape it over the next two years. Specifically, you got that same message in a letter you received this week. It came from the Speaker and the Speaker said, "Let the Governor take the budget, work with it to implement his style and make the corrections that he is empowered to do." The key is "and to change what he is empowered to do." He is only empowered to make any corrections to that budget, freezing state hiring, etc. with the permission and the vote of the Fiscal Committee. And who is the Fiscal Committee? The Fiscal Committee is the committee who made the budget. I would hope, and I have confidence, that they would cooperate with it.

To be very frank with you I find it embarrassing and humiliating to see we Republicans tearing ourselves to pieces. If I were sitting over there on that side, I would have a bellyache and my bellyache would be caused from just holding in my giggles. Because we are walking down that highway exactly where the minority party would like us to go. Governor Benson stood at that podium, right there, at his inaugural address and he told you, as he had told in all of his stump speeches all last fall, that he would never accept passing along indebtedness to future generations. Two years down the line may not be a generation for people, but two years down the line is a new generation of legislators. He ran against a fervent income taxer. By receiving 70 percent, I guess about that, in the vote and many of us rode into this House on his coattails and on the coattails of an income tax. Now is not the time to sell him out. Eight percent increase, if it's 8 percent, and I agree with Alf Jacobson, Rep. Jacobson said, "Whose numbers are we supposed to believe?" I've seen 12.9, I've seen 8.8, I've seen 8.

Then we received the other figure of just general fund spending. About general fund spending, when federal money crosses that state line, and I guess it must come up from Boston, in my book it becomes state money. A respected member of this House Ways and Means Committee told me that the revenues are not there to support this budget. I believe it.

In conclusion, let me just say this, don't believe the Chicken Little story. The sky is not falling. As my vice chairman, Rep. Rowe, has often told me in our committee, he has said that a little conflict between the branches of government can be healthy sometimes. I agree with him. I think it can. Someone once said that all government, indeed every human benefit and enjoyment, every virtue and every productive act is founded on compromise and barter. It is not too late to do that with this budget. As the Speaker eloquently stated at the close of last week's session, he said that he had followed the budgetary process according to the Constitution and the applicable statutes. He has and I commend him for that. I also commend my Speaker for not getting involved in personal attacks against anyone. I appreciate that. But remember this, the budget is now back here in the House. It is probably sitting there on the table. It's not the Governor's budget. It's our budget. And what happens to that budget today is up to us, not the Governor. If government shuts down at midnight tonight, don't blame the Governor. You can only blame us. That's why it would be wise to push the red button and send this budget back for more work. When the day is done, trust me, the mighty Merrimack will continue to flow through this capital city all the way to the sea and government will still be viable. It will still be stable and the constitution and the people of this great state will have been well served. I ask you to remember this, in the end, the abilities of this body to solve its problems and the challenges faced by our state do not lie solely in our leaders but within ourselves. Thank you.

Rep. Whalley: Thank you, Mr. Speaker. Mr. Speaker, working together works. Three very simple words — "working together works." We've all worked together with one another in this House. Republicans have worked with Republicans. Democrats have worked with Democrats. Democrats have worked with Republicans and Republicans have worked with Democrats. Not every time, but more often than not because that's the way we get something done. Mr. Speaker, we've worked with the Senate and we've worked with the Governor and whatever happens today, I think we should all be prepared to roll up our sleeves and work with the Senate and Governor beginning tomorrow. Just because we override this veto today, as I hope we will, it doesn't mean the work is done. Mr. Speaker, this disagreement, some have called it a spat, some have used more colorful language, it's over 25 million dollars per year on a 4.4 billion dollar budget per year. If you sugar that down, what it really means is we have a disagreement with the Governor over 60 cents per 100 dollars. Think about that. You walk into the grocery store, you buy your groceries, you get to the checkout line, the check out person says, "It's \$100," and you say, "I'll give you \$99.40." And the check out person says, "But it's \$100" and you walked out without the groceries and the unintended consequences that go with that over 60 cents per 100 dollars. Now, Mr. Speaker, I heard my good friend from Jackson indicate that the Governor doesn't have the authority to implement this budget once it's authorized by this legislature and he's right. But the Governor has something that all of us possess to some small extent, but he has it in much greater dividends. He's the Governor of our state. He's the chief executive officer of the executive branch of government. The commissioners and the department heads work really for him. Two of them, Environmental Services and Health and Human Services were recently appointed by Governor Benson. To a great extent I would call those appointees, the Governor's appointments. You cannot convince me that in the next twelve

months the Governor through good management practices, best management practices, cannot leverage his relationship with the executive branch of government and save two million dollars a month. Twenty-five million dollars a year for the next two years to get back to a point at which we would have agreement with the Governor. That is the reason he has vetoed this budget today. Think about it. Twenty-five million dollars a year, 50 million dollars over the biennium.

Now, Mr. Speaker, earlier somebody spoke of controlling expenses and costs and spending. And I agree. I think everyone in this room wishes to control spending. None of us are reckless spenders. I know for a fact that my friend from Moultonborough is not a liberal tax and spender. I know for a fact that my friend from Hinsdale is not a liberal tax and spender. I know that most of you who sit in this room today are not tax and spenders but you are responsible. Mr. Speaker, the budget we passed last week is a responsible budget. It's based on compromise and I believe it is a fair budget. Mr. Speaker, I believe that we are close enough with the Governor that we should not create potential chaos that might exist tomorrow if, in fact, we don't pass this budget.

Recently a memo was received in our office from the State Treasurer, and in a short and concise way I will try to tell you what that letter said. If we do not pass a budget today, our bond rating will be downgraded tomorrow. That's an immediate concern of mine. That will cost the State of New Hampshire probably more than the 25 million dollars that we're having this disagreement with the Governor. Mr. Speaker, some have talked about this as going down the road to an income tax. Mr. Speaker, I was honored to be on the committee of conference on the budget. I was honored to be surrounded by people who know a lot more about the budget than I do. I for one, Mr. Speaker, would not have signed a committee of conference report that would have taken us down the road to an income tax because like many of you, I am as opposed to a broad based tax for the State of New Hampshire as anybody here. As long as I am in this legislature, I will work in opposition to that. Mr. Speaker, I think all that was said was necessary but nothing more needs to be said. I think most people know how we're going to vote. Mr. Speaker, please allow the members to use their conscience and do the right thing and vote to override the Governor's veto so that we can move on tomorrow and work with the Governor and find the 25 or more million dollars that the Governor is advocating that we must need to find to solve what he describes as a "200 million dollar problem" in the next biennium. Thank you, Mr. Speaker.

## GOVERNOR'S VETO MESSAGE ON HB 2

June 26, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 2-FN-A, relative to state fees, funds, revenues, and expenditures. (*Refer to veto message on House Bill 1*)

The question being, notwithstanding the Governor's veto, shall **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, become law?

Rep. Kurk spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 131 NAYS 242

### YEAS 131

#### BELKNAP

Flanders, Donald

Holbrook, Robert

Laflam, Robert

Whalley, Michael

#### CARROLL

None

### CHESHIRE

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Fish, Douglas

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

### COOS

Guay, Lawrence

King, Frederick

Stohl, Eric

Theberge, Robert

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Sokol, Hilda

Benn, Bernard  
Hammond, Lee  
Solomon, Peter

Densmore, Edward  
Naro, Debra

Diamond, Estelle  
Scovner, Nancy

**HILLSBOROUGH**

Baroody, Benjamin  
Clemons, Jane  
Drisko, Richard  
Gorman, Mary  
Konys, Christine  
Leach, Edward  
Movsesian, Lori  
Ross, Lawrence  
Sullivan, Francis

Buckley, Raymond  
Cote, David  
Emerton, Larry  
Haley, Robert  
Kopka, Angeline  
Lefebvre, Roland  
Palangas, Eric  
Schulze, Joan  
Sullivan, Peter

Carlson, Donald  
Cote, Peter  
Ford, Nancy  
Irwin, Anne-Marie  
Kudalis, Debra  
Malloy, Chris  
Pappas, Christopher  
Shaw, Barbara  
Sweeney, Cynthia

Clayton, William  
Desmarais, Vivian  
Gargas, Carolyn  
Jean, Claudette  
Lasky, Bette  
McDonough-Wallace, Alice  
Pilotte, Maurice  
Spiess, Paul

**MERRIMACK**

Blanchard, Elizabeth  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rush, Deanna

Bouchard, Candace  
Gile, Mary  
Leber, William  
Perkins, Randy  
Seldin, Gloria

Clarke, Claire  
Hamm, Christine  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

DeStefano, Stephen  
Hess, David  
Osborne, Jessie  
Reed, Dennis

**ROCKINGHAM**

Carson, Sharon  
Corbin, Corey  
McEachern, Paul  
Shultis, Elizabeth

Casey, Kimberly  
Davidson, Robert  
McKinney, Betsy  
Splaine, James

Coes, Betsy  
Francoeur, Sheila  
Pantelakos, Laura  
Weyler, Kenneth

Cooney, Richard  
Hamel, Albert  
Pitts, Jacqueline

**STRAFFORD**

Berube, Roger  
Heon, Richard  
Knowles, William  
Rous, Emma  
Twombly, James

Callaghan, Frank  
Hofemann, Roland  
Miller, Joseph  
Snyder, Clair  
Vachon, Dennis

Creteau, Irene  
Johnson, Nancy  
Musler, George  
Spang, Judith  
Wall, Janet

Grassie, Anne  
Keans, Sandra  
Rollo, Deanna  
Taylor, Katherine

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Phinیزی, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Donovan, Thomas  
Harris, Sandra

**NAYS 242****BELKNAP**

Ahern, Omer Jr  
Dewhirst, Glenn  
Pilliod, James  
Wendelboe, Fran

Allen, Janet  
Fitzgerald, James  
Rice, Thomas

Bartlett, Gordon  
Lawton, David  
Russell, David

Clark, Charles  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Dexter, Judson  
Liebl, George

Espiefs, Peter  
Manning, George

Hunt, John  
Royce, H Charles

Laurent, John  
Smith, Edwin

**COOS**

Brady, Mark  
Richardson, Herbert

Mears, Edgar  
Tholl, John Jr

Poulin, Richard

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Ingbreton, Paul  
 Williams, Burton

Alger, John  
 Gilman, G Michael  
 Maybeck, Margie

Barker, Robert  
 Gionet, Edmond  
 Nordgren, Sharon

Dorsett, Andrew  
 Ham, Bonnie  
 Sorg, Gregory

**HILLSBOROUGH**

Adams, Jarvis  
 Artz, Lawrence  
 Batula, Peter  
 Bouchard, David  
 Buhlman, David  
 Cernota, Albert  
 Crane, Elenore Casey  
 Furman, Christine  
 Graham, John  
 Hallyburton, Margaret  
 Haytayan, Harry Jr  
 Infantine, William  
 Kurk, Neal  
 Lawrence, James  
 McHugh, Claire  
 Milligan, Robert  
 O'Brien, Lori  
 Reeves, Sandra  
 Souza, Kathleen  
 Vaillancourt, Steve

Allan, Nelson  
 Balboni, Michael  
 Beaton, William  
 Brassard, Paul  
 Cail, Kenneth  
 Chabot, Robert  
 Dokmo, Cynthia  
 Gibson, John  
 Greenberg, Gary  
 Hansen, Ryan  
 Hinkle, Peyton  
 Jasper, Shawn  
 L'Heureux, Robert  
 Lessard, Rudy  
 McRae, Karen  
 Mooney, Maureen  
 Pappas, Marc  
 Rowe, Robert  
 Stepanek, Stephen  
 Wheeler, James

Allen, Timothy  
 Balcom, John  
 Bergeron, Jean-Guy  
 Brundige, Robert  
 Carter, Jeffrey  
 Christiansen, Lars  
 Elliott, Larry  
 Gonzalez, Carlos  
 Hagan, Barbara  
 Harrington, Paul  
 Holden, Randolph  
 Johnson, Lionel  
 Laflamme, Charles  
 Luebker, Bernard  
 Mercer, Robert  
 Moran, Edward  
 Pepino, Leo  
 Scanlon, Michael  
 Tahir, Saghir  
 Wheeler, Robert

Arnold, Thomas Jr  
 Barry, J Gail  
 Bergin, Peter  
 Bruno, Pierre  
 Carter, Mark  
 Coughlin, Pamela  
 Fields, Dennis  
 Goyette, Peter Jr  
 Hall, Charles  
 Hawkins, Ken  
 Hopper, Gary  
 Kerns, J Edward  
 LaFlamme, Paul  
 McElroy, Henry Jr  
 Messier, Irene  
 Mosher, William  
 Price, Pamela  
 Slocum, Lee  
 Tate, Joan

**MERRIMACK**

Anderson, Eric  
 Davis, Frank  
 Foley, Albert  
 Kennedy, Richard  
 MacKay, James  
 Ouellette, Robert

Colcord, J D  
 DeJoie, John  
 Fraser, Leo Jr  
 L'Heureux, Stephen  
 Marple, Richard  
 Soltani, Tony

Currier, David  
 Dunne, Christopher  
 Hager, Elizabeth  
 Langer, Ray  
 McCormick, Tom

Daniels, Eric  
 Field, William  
 Kenison, Leon  
 Lockwood, Priscilla  
 Nutter, Edward

**ROCKINGHAM**

Allen, Mary  
 Blanchard, MaryAnn  
 Clark, Vivian  
 Doyle, Christopher  
 Fesh, Bob  
 Gilbert, Karl  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 McMahon, Charles  
 Noyes, Richard  
 Putnam, Ed II  
 Roessner, Kurt  
 Smith, Paul  
 Varrell, Thomas  
 Wiley, Robert

Belanger, Ronald  
 Bridle, Russell  
 Dalrymple, Janeen  
 Duffy, James  
 Flanders, John Sr  
 Gillick, Thomas  
 Headd, James  
 Ingram, Russell  
 Johnson, Rogers  
 Kobel, Rudolph  
 Major, Norman  
 Moore, Benjamin  
 O'Neil, Michael  
 Quandt, Matthew  
 Ruffner, Walter  
 Stone, Joseph  
 Waterhouse, Kevin  
 Winchell, George

Bicknell, Elbert  
 Cady, Harriet  
 DiFruscia, Anthony  
 Dumaine, Dudley  
 Flayhan, Mary Lou  
 Gleason, John  
 Holland, James Jr  
 Introne, Robert  
 Katsakiores, George  
 Langley, Jane  
 Manning, John  
 Morris, Richard  
 Packard, Sherman  
 Rausch, James  
 Scamman, Stella  
 Tufts, J Arthur  
 Weare, E Albert  
 Zolla, William

Bishop, Franklin  
 Camm, Kevin  
 Dodge, Robert  
 Dupuis, Roland  
 Gilbert, Jeffrey  
 Gould, Kenneth  
 Hughes, Daniel  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Langone, John  
 McCann, Richard  
 Norelli, Terie  
 Priestley, Anne  
 Robertson, Carl  
 Smith, Donald  
 Vallone, Matthew  
 Welch, David

**STRAFFORD**

Albert, Russell  
 Cataldo, Sam  
 Newton, Clifford  
 Taylor, Kathleen

Bickford, David  
 Dunlap, Patricia  
 Schmidt, Peter  
 Woods, Phyllis

Brown, Julie  
 Easson, Timothy  
 Scott, David

Campbell, W Packy  
 Harrington, Michael  
 Smith, Marjorie

## SULLIVAN

Flint, Gordon Sr                      Jones, Constance                      Leone, Richard                      Rodeschin, Beverly  
and lacking the necessary two-thirds, the Governor's veto was sustained.

## DEBATE ON HOUSE BILL 2

Rep. Kurk: Thank you, Mr. Speaker. In light of our prior action, I would ask that you also vote to sustain the Governor's veto on this bill because when we go back to work on House Bill 1, we must have House Bill 2 to make House Bill 1 work. Thank you, Mr. Speaker.

The House recessed at 12:10 p.m.

## RECESS

## (Speaker Chandler in the Chair)

The House reconvened at 1:15 p.m.

## SUSPENSION OF RULES

Its late drafting and introduction having been approved by the Rules Committee, Reps. Hess and Burling moved that Rules be so far suspended as to permit consideration at the present time, and, if passed, immediate third reading of *HJR 3*, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Adopted by the necessary two-thirds.

## RESOLUTION

Reps. Hess and Burling offered the following: RESOLVED, that according to the list in the possession of the Clerk, *HJR 3*, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, shall be by this resolution read a first and second time.

Adopted.

## INTRODUCTION OF HOUSE JOINT RESOLUTION 3

## First and second reading

*HJR 3*, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. (Whalley, Belk 31)

## HOUSE JOINT RESOLUTION 3

making temporary appropriations for the expenses and encumbrances  
of the state of New Hampshire.

Whereas, a budget has not yet been enacted for fiscal years 2004 and 2005; and

Whereas, action at this time is necessary to carry out the functions of state government after fiscal year 2003, and prior to enacting said budget act; now therefore be it;

Resolved by the Senate and House of Representatives in General Court convened:

I.(a) That each state agency or state entity for which the general court appropriated funds for its operating budget for fiscal year 2003 is authorized to obligate additional funds for expenditures for fiscal year 2004 at a rate not in excess of 1/6 of the adjusted authorized appropriation as of June 30, 2003 plus 2 percent for fiscal year 2003 for all purposes, other than purchase of equipment and objects not deemed by the commissioner of administrative services to be normally of an annually recurring character for which continuity of expenditure is essential, unless due to an emergency it shall be otherwise authorized by the governor with the advice and consent of the council with prior approval of the legislative fiscal committee; and

(b) Enactment of this resolution shall constitute acceptance by the state of federal funds in such amounts as under applicable state or federal law shall be necessary to give effect to the provisions of this resolution and shall further constitute the appropriation of such state funds as under federal law shall be required to be added to such federal funds as a condition of their transfer to the state. The authorization provided in this resolution shall be deemed to be a budget within the meaning of RSA 9; and

(c) Funds subject to obligation under this resolution shall be deemed subject to transfer under the provisions of RSA 9:16-9:17-d, with prior approval of the legislative fiscal committee. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary to discharge obligations authorized by this resolution out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. Expenditures obligated under authority of this resolution shall be charges upon any appropriations subsequently enacted with respect to identical purposes and periods; and

II. That the provisions of RSA 9 inconsistent with the provisions of this resolution and the provisions of any other statutes so inconsistent are hereby suspended to the extent of such inconsistencies during the time this resolution is in effect. The state of New Hampshire hereby indemnifies any state official, commissioner, trustee, or other person having control of public funds appropriated by the general court for any liability personally incurred because of the provisions of RSA 9:19 and RSA 9:20 for whatever period of time elapses from 12:01 a.m. July 1, 2003, until the time that the provisions of this resolution making temporary appropriations become law; and

III. That the provisions of HB 2 FN-A of the 2003 legislative session, and HB 663 FN-A-LOCAL of the 2003 legislative session as amended and adopted by the legislature, being necessary to give effect to the provisions of this resolution, shall be deemed to be in effect during the period that this resolution is in effect; and

IV. That this resolution shall take effect July 1, 2003 and shall continue in effect until an operating budget is enacted into law but in no event later than September 10, 2003.

Reps. Hess and Burling moved adoption of HJR 3.

Adopted.

### **MOTION ON HJR 3**

Reps. Hess and Burling moved that **HJR 3**, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, be read a third time and passed.

Adopted.

### **Third reading and final passage**

**HJR 3**, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

The House recessed at 2:15 p.m.

### **RECESS**

### **(Speaker Chandler in the Chair)**

The House reconvened at 4:00 p.m.

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 646, 677, 719 and 768.

Rep. Currier, Sen. D'Allesandro for the Committee

### **SENATE MESSAGE**

### **REQUESTS CONCURRENCE WITH AMENDMENT**

**HJR 3**, a resolution making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. (Amendment #2284 printed SJ 6/30/03)

Rep. Whalley moved that the House concur.

Reps. Soltani, Harrington and Wendelboe spoke against and yielded to questions.

Reps. Weyler spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

### **(Rep. Francoeur in the Chair)**

Rep Chandler spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

### **(Speaker Chandler in the Chair)**

The question being concurrence with the Senate amendment to HJR 3.

**YEAS 256 NAYS 80**

**YEAS 256**

**BELKNAP**

Allen, Janet  
Flanders, Donald  
Nedeau, Stephen

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James

Clark, Charles  
Laflam, Robert  
Thomas, John

Fitzgerald, James  
Lawton, David  
Whalley, Michael



**CARROLL**

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Merrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Hunt, John  
Meador, David  
Richardson, Barbara  
Smith, Edwin

Dunn, James  
Laurent, John  
Mitchell, McKim  
Robertson, Timothy  
Tilton, Anna

Eaton, Daniel  
Liebl, George  
• Parkhurst, Henry  
Royce, H Charles  
Webber, Amy

Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela  
Weed, Charles

**COOS**

Brady, Mark  
Poulin, Richard  
Tholl, John Jr

Guay, Lawrence  
Pratt, Leighton

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Densmore, Edward  
Hammond, Lee  
Sokol, Hilda

Alger, John  
Diamond, Estelle  
Naro, Debra  
Solomon, Peter

Almy, Susan  
Dudley, Terri  
Nordgren, Sharon

Benn, Bernard  
Eaton, Stephanie  
Scovner, Nancy

**HILLSBOROUGH**

Allan, Nelson  
Beaton, William  
Carlson, Donald  
Clemons, Jane  
Desmarais, Vivian  
Emerton, Larry  
Gargas, Carolyn  
Haytayan, Harry Jr  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
Messier, Irene  
Movsesian, Lori  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen  
Tahir, Saghir

Arnold, Thomas Jr  
Brassard, Paul  
Carter, Jeffrey  
Cote, David  
Dekmo, Cynthia  
Fields, Dennis  
Gorman, Mary  
Infantine, William  
Konys, Christine  
Lasky, Bette  
Malloy, Chris  
Milligan, Robert  
Palangas, Eric  
Price, Pamela  
Schulze, Joan  
Sullivan, Francis  
Tate, Joan

Baroody, Benjamin  
Brundige, Robert  
Carter, Mark  
Cote, Peter  
Drisko, Richard  
Ford, Nancy  
Graham, John  
Irwin, Anne-Marie  
Kopka, Angeline  
Lawrence, James  
McDonough-Wallace, Alice  
Moran, Edward  
Pappas, Christopher  
Reeves, Sandra  
Shaw, Barbara  
Sullivan, Peter  
Wheeler, Robert

Batula, Peter  
Buckley, Raymond  
Clayton, William  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Hall, Charles  
Jasper, Shawn  
Kudalis, Debra  
Leach, Edward  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Spiess, Paul  
Sweeney, Cynthia

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
DeJoie, John  
French, Barbara  
Hess, David  
MacKay, James  
Potter, Frances

Blanchard, Elizabeth  
Currier, David  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Rush, Deanna

Bouchard, Candace  
Daniels, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Leber, William  
Osborne, Jessie  
Seldin, Gloria

Clarke, Claire  
Davis, Frank  
Fraser, Leo Jr  
Hamm, Christine  
Lockwood, Priscilla  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Coes, Betsy  
Dodge, Robert  
Francoeur, Sheila  
Gould, Kenneth

Blanchard, MaryAnn  
Cooney, Richard  
Doyle, Christopher  
Gilbert, Karl  
Griffin, Mary

Bridle, Russell  
Dalrymple, Janeen  
Fesh, Bob  
Gillick, Thomas  
Hamel, Albert

Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Headd, James

Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Putnam, Ed II  
Roessner, Kurt  
Vallone, Matthew  
Welch, David  
Zolla, William

Ingram, Russell  
Katsakiores, George  
Langley, Jane  
Manning, John  
Morris, Richard  
Pantelakos, Laura  
Quandt, Matthew  
Scamman, Stella  
Varrell, Thomas  
Weyler, Kenneth

Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Rausch, James  
Smith, Paul  
Waterhouse, Kevin  
Wiley, Robert

Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McKinney, Betsy  
O'Neil, Michael  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Weare, E Albert  
Winchell, George

### STRAFFORD

Berube, Roger  
Grassie, Anne  
Keans, Sandra  
Rous, Emma  
Spang, Judith  
Wall, Janet

Brown, Julie  
Heon, Richard  
Knowles, William  
Schmidt, Peter  
Taylor, Katherine

Creteau, Irene  
Hofemann, Roland  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen

Dunlap, Patricia  
Johnson, Nancy  
Rollo, Deanna  
Snyder, Clair  
Tombly, James

### SULLIVAN

Allison, David  
Ferland, Brenda  
Harris, Sandra

Burling, Peter  
Flint, Gordon Sr  
Jones, Constance

Cloutier, John  
Franklin, Peter  
Leone, Richard

Donovan, Thomas  
Harris, Joseph  
Rodeschin, Beverly

### NAYS 80

### BELKNAP

Ahern, Omer Jr

Rice, Thomas

Wendelboe, Fran

### CARROLL

### CHESHIRE

### COOS

### GRAFTON

Dorsett, Andrew  
Ingbretson, Paul

Gilman, G Michael  
Maybeck, Margie

Gionet, Edmond  
Sorg, Gregory

Ham, Bonnie  
Williams, Burton

### HILLSBOROUGH

Adams, Jarvis  
Barry, J Gail  
Cernota, Albert  
Gibson, John  
Hagan, Barbara  
Holden, Randolph  
Lafamme, Charles  
McElroy, Henry Jr  
O'Brien, Lori  
Souza, Kathleen

Allen, Timothy  
Bergeron, Jean-Guy  
Chabot, Robert  
Gonzalez, Carlos  
Harrington, Paul  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Pepino, Leo  
Wheeler, James

Artz, Lawrence  
Bruno, Pierre  
Christiansen, Lars  
Goyette, Peter Jr  
Hawkins, Ken  
Kerns, J Edward  
Lessard, Rudy  
McRae, Karen  
Scanlon, Michael

Balboni, Michael  
Buhlman, David  
Crane, Elenore Casey  
Greenberg, Gary  
Hinkle, Peyton  
L'Heureux, Robert  
Luebker, Bernard  
Mooney, Maureen  
Slocum, Lee

### MERRIMACK

Field, William  
Marple, Richard  
Soltani, Tony

Foley, Albert  
McCormick, Tom

Kennedy, Richard  
Nutter, Edward

Langer, Ray  
Ouellette, Robert

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Flayhan, Mary Lou  
Smith, Donald

Bicknell, Elbert  
Clark, Vivian  
Hughes, Daniel  
Tufts, J Arthur

Bishop, Franklin  
Dumaine, Dudley  
Itse, Daniel

Cady, Harriet  
Dupuis, Roland  
McCann, Richard

**STRAFFORD**

Albert, Russell  
Harrington, Michael

Campbell, W Packy  
Newton, Clifford

Cataldo, Sam  
Scott, David

Easson, Timothy  
Woods, Phyllis

**SULLIVAN**

None

and motion was adopted.

Rep. Gonzalez voted Nay and intended to vote Aye.

**MOTION TO PRINT DEBATE**

Rep. Hess moved that the debate on the motion to concur with the Senate amendment to **HJR 3**, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire, be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

**DEBATE ON CONCURRENCE HOUSE JOINT RESOLUTION 3**

Rep. Soltani: Thank you, Mr. Speaker. I thank you for your explanation. However, as my colleague, Rep. Jasper pointed out, this language lends itself to an interpretation which is contrary to our intent and under the New Hampshire rules of statutory construction, we first look to the language of the statute. The language of this statute is rather clear. It's three-twelfths of a 24-month appropriation. That's money which is appropriated for a total of six months. It does not distinguish for the 2004 appropriation nor the 2005 appropriation. It takes the money which we appropriated for six months and tells the governor and the executive branch of the government, and the judicial branch of the government, that they can spend it in three months because it expires in October 1. So this not only passes HB 1-A, the compromised version which was approximately a 9 percent increase, but doubles it and brings it up to a 16 percent increase. This is a slap in the Governor's face and a slap to our face. We passed something that was clear, objective and looking for compromise. I would suggest that this language, as presented to us, is just unacceptable to this House, to the people of New Hampshire and hopefully, to the Governor. I ask that we vote down the motion for concurrence and move subsequently for nonconcurrence and a Committee of Conference so we can work out the difference between what we passed, which was a two percent for 60 days, and what the Senate wants. Thank you, Mr. Speaker.

Rep. Holden: Thank you, the honorable representative from Epsom. I have a question on the resolution that we sent across the wall does it mention anything about HB 1, I thought we killed HB 1? And how is it they resurrected this?

Rep. Soltani: Amazing things happen in the legislative branch. The dead sometimes come back to life and incorporating that language by itself doesn't help because as of right now we don't have an HB 1-A in existence. In fact, one of the more crafty lawyers was telling me that we could say that HB 1-A was the House version that was passed because we don't have a final version of HB 1-A that was ever passed into law. So what we are doing is really not clear at all. At worst, it could be very damaging to the state government. At best it could just do a lot of damage to the state government.

Rep. Harrington: Thank you, Mr. Speaker. Well it certainly seems by reading this and the previous discussion, that this bill at best is confusing. No one seems to be very clear as to what we are spending. I've had a few math classes and 3/12<sup>th</sup> should really in this case be 3/24<sup>th</sup> is what we should be spending here because we are talking about a three month period and this is a two year budget.

But that really comes down to a technical issue that I suppose could be fixed. The real heart of the problem here is that what we have done is, we just upheld the Governor's veto of the so-called HB 1 bill as it came out of the committee of conference. This one simply sticks that same bill that was just defeated and puts it back into the budget. We said we couldn't pass it for 24 months so now we're going to pass it for three months. That sets a precedent that we're going to try to get it passed for 24 months again during that ensuing three months. I can't speak for the Governor but since this is the exact same bill as he vetoed, I'm pretty sure that he's going to veto it again. And we're going to be no further along. We gave the Senate a good piece of legislation to work for on a continuing

resolution. A continuing resolution means continue. We continue the spending levels at the present level plus two percent until September 10<sup>th</sup>. That was good. I think we should stick with it and I go along with Rep. Soltani and I think that we should vote to nonconcur and committee of conference on this.

Rep. DiFruscia: Thank you, Mr. Speaker. Maybe I have difficulty understanding English but isn't it true that on the flip page, page 2, thank you for turning your pages, Roman Numeral IV, it states that this resolution shall take effect July 1, 2003, shall continue in effect until an operating budget is enacted into law, but in no event later than October 1, 2003. In speaking English that's very clear to me. It ends October 1, 2003. Where's the confusion?

Rep. Harrington: Thank you for your question. The confusion is not on when it will end, it's how much money is spent during that time. This says we can spend, or the various departments can spend 3/12<sup>th</sup> of the appropriations contained in HB 1-A between July 1<sup>st</sup> and October 1<sup>st</sup>. That 3/12<sup>th</sup> of a 24-month budget. That's a quarter of the whole budget can be spent. It should be 3/24<sup>th</sup> because it is a 12-month budget. But again, besides that's a technical issue that could be worked out. The problem is, it's the same budget we just defeated earlier this morning by upholding the Governor's veto.

Rep. Wheeler: Thank you, Mr. Speaker. Representative, are you describing this problem as confusion or is it more clearly an unacceptance of an answer that was given to you by the Speaker?

Rep. Harrington: "unacceptance of an answer that was given to me by the Speaker?" Well, I'm confused by the Speaker's answer, if you want to know that. The problem I have with this again, it is a confusing bill. I'm not really sure what we are voting on and it's also what it presents from the Senate as it brings back for three months what we just rejected as a 24-month budget.

Rep. Weyler: Thank you, Mr. Speaker. We began at 10 o'clock this morning, by noon we had a vote. We did not override the budget. That calls for a continuing resolution. That's what we did. The continuing resolution went over to the Senate and for whatever reason they wanted to be at the HB 1 level. Now, that entails a whole bunch of programs that perhaps we're going to start-up new in HB-1 or be discontinued from the 2003 spending. So you were sure that levels of spending, in other words, if you did the levels of spending, if you wanted to cut, let's say L-CHIP, you would go back to the 8 million dollars spending in L-CHIP, if that's what you wanted. Some of you said you didn't want that. The HB-1 changes those levels. There's other programs that change like that. You can nit-pick this thing forever but it's a temporary measure that only goes for something less than three months. It establishes a spending level. It allows government to continue to operate. Whereas, if you keep delaying this thing, government will shut down. This goes on for a temporary period during which some resolution will arise that you will find acceptable. So if you vote this thing out, it will take care of itself. Government will continue. We will go back into negotiation and we will come to some conclusion. In the meantime, nothing earthshaking will happen. We won't lose our bond rating. We won't have to shut down government. The programs which were supposed to start up come July 1<sup>st</sup> will start up. I don't see a problem. I think we're creating something that doesn't exist. This is a temporary solution. There will be changes. Thank you.

Rep. Harrington: Rep. Weyler, I guess my question would be, you mentioned how if HB-1 comes in, there will be some different programs and so forth. Now, if we have these programs start up for three months at the HB-1 level of funding then it turns around that the new budget doesn't match that. We're going to have to either cut or stop those programs? Won't there be quite a bit of confusion because you are going to be going from a level of spending that if presumably the Governor does hold tight here with his veto or holds tight in the negotiations for the final budget, it's going to be a lower level of spending than HB-1? So we're going to be giving programs the ability to start up, spend money and then, we're going to cut it and right after three months into the session. I think that would cause quite a bit of confusion.

Rep. Weyler: A lot of these programs were supported by the Governor, by the House, by the Senate. Not too many of them were really turned down flat on their own face. The most confusion will arise, if we cannot pass a continuing resolution. That would be confusing. If we can pass a continuing resolution, there will be a lot less confusion than there would otherwise be.

Rep. Dodge: Thank you, Mr. Speaker. Thank you, representative from Kingston, my good friend. In regards to the fact that they're all worried about whether this is a 12-month budget or a 24-month budget, as you work on the budget for the people who are involved with it, it comes in two sections. It comes in 2004 and 2005. And all they are saying in this one here is we are going to go by the 2004 estimates, not the 2005. So instead of questioning the 3/24's, it's a question of 3/12's. That's all. Is that not correct?

Rep. Weyler: That is correct and I think the last paragraph spells it out that this resolution dies after October 1, 2003.

Rep. Kerns: Thank you, Mr. Speaker. Representative, this looks like the same budget that the Senate sent back to us that we rejected previously. How is this not in defiance of the will of the House, and the will of a Governor who has been elected to enforce the mandate of the people, how does this solve anything, Representative?

Rep. Weyler: This is reflective of a budget that was passed by the Committee of Conference, passed by a majority of members in the House and an overwhelming majority in the Senate. To say this was not a reflection of the House is wrong.

Rep. McElroy: Thank you, Mr. Speaker. Thank you, Rep. Weyler. During the break I went over to see the Treasurer. We heard it this morning from Rep. Whalley. I heard it just now from you. I'd like to ask why do we keep hearing that our bond rating is going to drop? The Treasurer said there are several factors that go into this and that there is no way that our bond rating is going to drop by tomorrow and probably not at all. So, if that's true, I wonder, Rep. Weyler if you would mind explaining that to me, please?

Rep. Weyler: If you ever read the 100 odd pages that the Treasurer takes to the bond counsel in New York, there are many things in that, that all reflect. There are questions that are asked. Years ago the bond counsel didn't like the fact that we didn't have an income tax. However, I think what's happened to the majority of the states that do have an income tax may have opened their eyes and may have made them have a different opinion of whether you have a balanced set of revenues or whether you have an income tax that plummets when the economy goes down. So there are many aspects that enter into this. It is hard for any one of us to predict what the bond counsel will declare. But we know that anything that disturbs them, any investors will tell you – uncertainty is the thing that bothers them the most. If there's an uncertainty as to what will happen in the New Hampshire revenue picture, that will effect the bond rating. It's difficult to say to what extent.

Rep. Itse: Thank you, Mr. Speaker. Representative Weyler. I just have a question since many of us feel uncomfortable with the expression of the 3/12<sup>th</sup> of the 2003 budget which is a 24-month budget. Would it be reasonable at this time to craft an amendment to this that clarifies that so that we all agree on the understanding?

Rep. Weyler: Any change to this amendment would mean going back to the Senate. It will probably mean hours more. Look how long it took to get this amendment over here now. Some people would like to go home and have some meetings they have in the evening, me included. If you want to keep changing this, this could go on and on. I think I understand it, I think the testimony is clear enough to what it means and I think the fact that this resolution ends on October 1, 2003 is sufficient.

Rep. Wendelboe: Thank you, Mr. Speaker. I speak in opposition to the concurrence motion. I think we're losing sight of the big picture. We acted earlier today and rejected the budget. We acted responsibly and we said we're passing a continuing resolution to ensure the orderly continuation of government. I think the leadership's continuing resolution that they brought forth was a prudent one. It allowed for '03 spending plus two percent until September 10<sup>th</sup>. I think that showed good faith. We sent that over to the other side of the wall and they kept us waiting for three hours to come back with this. And what this is is status quo. It is saying, we are going to cram down the exact figures that you rejected this morning. Ask yourself, how open does this give you of an idea that the Senate is to go back to the table and come to a compromise? When the only thing they're willing to send back is what we rejected. It shows that they are unmovable. That there is no working with them as there was not working with them in the Committee of Conference. And I think it

is another indication of the Senate saying to the House, "We don't care what your position is, we're the Senate and we rule." We had a position. It was leadership's amendment. We overwhelmingly without debate, with a voice vote passed it. The Senate kept us waiting three hours to send back exactly what we had rejected. How to do we put increased spending into effect for three months, maybe six month's worth of spending in that three months depending on who interprets what, start programs, increase services, and then try to turn the spigot off? If you think you were accused of cutting now, wait until then.

The subject of the bond rating came up and that's been used as a threat. I personally spoke with Mike Ablowich, the Treasurer, this afternoon and he denied ever saying that our bond rating was at risk. He said there are a whole mix of things that are looked at and maybe that might be part of it. It was stated on this floor earlier today that if we defeated the budget, that our bond rate tomorrow would be dropped. That was not truthful.

Our goal here is to have a continuing resolution and to go to a compromise position with the Senate. I do not see where we have any strength to compromise when we have been sent back status quo and an unwillingness of the Senate to say "O.K., for two months the state can continue under their existing budget with a two percent increase." I think we should reject this. I think we should go to a Committee of Conference, come back and revote in the House's position. Thank you, Mr. Speaker.

Rep. Robertson: Thank you, Mr. Speaker. Thank you, fellow legislator. Speaking of compromises, and I do realize we turned down the budget but it was just over a third that turned it down and it would seem to me that the vast majority of us voted to override the veto. Wouldn't it be something to put us all back together if those, in spite of the fact that they carried the day, were in the vast minority compromised with what was the majority?

Rep. Wendelboe: Thank you for the question. Well you know that little 'ol minority has a strong constitutional majority. Our constitution gives that right to the minority and that is why we have a two-thirds. We won the debate this morning. You might not like it but this House now has a position and I think we should stand by it.

Rep. Robertson: The question was isn't it time that you who carried the day compromise with us the majority? I don't deny that you won. It was fair and square. It was by the rules of the House. But now, you've been suggesting that we do some kind of compromise and it takes two, in my opinion, to compromise and I haven't heard you offer anything except, you know, disaster and I was wondering where your compromise is and why you're so for it on one side and not on the other?

Rep. Wendelboe: Representative, the compromise was the '03 budget plus two percent increase versus no compromise from the Senate of forcing status quo that we rejected this morning back at us. The House compromised. The Senate is not.

Rep. Kerns: Thank you, Mr. Speaker. Thank you, members of the House. Fran, you've never lied to me in all the time I've known you and in all your dealings with this House of Representatives which you respect. This bill looks just like what the Senate just handed us and with the enforcement, and the mandate from the people, we have rejected this proposal. Tell me how this differs from what this House has just rejected.

Rep. Wendelboe: Rep. Kerns, I don't think it differs at all from what we just rejected. It is exactly what we just rejected except for a shorter period of time. But once we have put into place what we have rejected, it's going to be very difficult to move back away from that in a Committee of Conference.

### (Rep. Francoeur in the Chair)

Rep. Whalley: Thank you, Mr. Speaker. Mr. Speaker, I've learned that there are times when we need to be slow and methodical and this is one of those times. So that you will have the appropriate time out in the hall to speak with the powers to be. So I'm doing the best I can, Mr. Speaker, to waste a little bit of time but not too much time. It's time for us to do something. The day's running short. This may be our last opportunity at a continuing resolution. If you'll turn to page one on the Committee of Conference report, but in all seriousness, I hope we iron out one little detail and that we can report to you momentarily. But in the meantime, I would like to address something that has

been asked a bit earlier in reference to House Bill 1-A and in reference to House Bill 2. I understand that we did not override the Governor's veto this morning, so in theory those bills no longer exist from a legislative point of view. However, those bills are documents of record, easily identified and that is why it is appropriate to mention them in this continuing resolution. And I see that you're not back, Mr. Speaker. Thank you very much, Mr. Speaker.

Rep. Chandler: Thank you. It has been a long day and this is going to be a very short speech. I have just spoken privately with the Governor. He has assured me that if we pass this measure, that he will live with it and work with the House and Senate on coming up with a new budget. He expressed to me the same thing that I have expressed right along as we have gone through this, that he has no interest in shutting down state government, nor do I, nor do I think this House. I take him at his word. He'll work with this. Hopefully, it may not be the whole three months but whatever time it takes. So, he's assured me that he will live with it and hopefully this House will adopt the Committee of Conference report and that will be it. Thank you.

Rep. Bishop: Thank you, Mr. Speaker. Now, my question is there seems to be a lot of confusion with the Senate version here. Rep. Whalley referred to the fact that HB 1-A which I believe we realize is the same number as the 2002-2003 budget had. That was the bill number each year, it's HB 1-A. Is that correct? Not always. However, in the Senate version they're referring to HB 1-A as passed in the 2003 legislative session which would be the one we just failed. Is that correct? This is what's getting confusing in this amendment they have on this.

Rep. Chandler: We are in 2003 and HB 1-A was passed during the legislative session in 2003. This amendment refers to the continuing resolution which refers to the appropriation of 2004 as outlined in what was vetoed, but what was passed by the House and the Senate as HB 1-A just for the year 2004 only. As I and others have explained, we cannot make an appropriation out of the budget in 2004 for 2005. Thank you.

### **ADJOURNMENT FROM THE EARLY SESSION**

Rep. Hess moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet at the Call of the Chair.

Adopted.

### **LATE SESSION UNANIMOUS CONSENT**

Reps. Dennis Fields, Buckley, Kerns and Burling addressed the House.

### **RECESS MOTION**

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and receiving veto messages from the Governor.

Adopted.

The House recessed at 5:00 p.m. to the Call of the Chair.

### **RECESS**

**(Rep. Francoeur in the Chair)**

### **ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolution numbered 3.

Rep. Currier. Sen. D'Allesandro for the Committee

### **RECESS**

**(Rep. Daniel Eaton in the Chair)**

### **ENROLLED BILL AMENDMENT**

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants.

**Amendment (2290-EBA)**

Amend RSA 198:40, III as inserted by section 5 of the bill by replacing line 1 with the following:

III. For ~~[each]~~ **the 2004** fiscal year, the statewide cost of an adequate education for all pupils shall Amend RSA 198:45-a, II(a)(4) as inserted by section 8 of the bill by replacing line 1 with the following:

(4) Multiply the statewide average per pupil target amount by 2 and multiply the Amend RSA 198:45-a, II(c) as inserted by section 8 of the bill by replacing line 1 with the following:

(c) The department of education shall subtract the amount obtained in subparagraph (b) from the amount obtained in

Amend RSA 189:1-d, III as inserted by section 9 of the bill by replacing line 4 with the following: pupils shall be divided by the number of instructional days offered to higher-level elementary grades.

Amend paragraph II of section 10 of the bill by replacing line 8 with the following:

of special education services, and the need for English as a second language instruction, is the most

Amend RSA 198:39, I as inserted by section 15 of the bill by replacing line 4 with the following: education ~~[property]~~ tax hardship relief under RSA ~~[198:55]~~ **198:61**. The state treasurer shall deposit into

Amend RSA 198:38, X-XI as inserted by section 17 of the bill by replacing them the following:

X. "Pupils eligible for free or reduced-price meals" means pupils in a school district in grades 1 through 12 who are eligible to receive free or reduced-price meals.

XI. "Calculated rate" means the total revenue raised statewide by the local education tax multiplied by 1,000, and then divided by the total statewide equalized valuation.

Amend RSA 198:40-a, I(b)(1) as inserted by section 19 of the bill by replacing line 4 with the following:

targeted aid for pupils eligible to receive free or reduced-price meals in the municipality.

Amend RSA 198:40-a, I(b)(2) as inserted by section 19 of the bill by replacing line 4 with the following:

shall be available as targeted aid for pupils eligible to receive free or reduced-price meals in the Amend RSA 198:40-b, IV(b) as inserted by section 19 of the bill by replacing line 3 with the following:

remaining after full payment of the excess tax required in subparagraph (a) shall become available for

Amend RSA 198:40-b, IV(d) as inserted by section 19 of the bill by replacing line 2 with the following: excess amount owed by each municipality pursuant to subparagraph (a).

Amend RSA 198:41, I as inserted by section 20 of the bill by replacing line 5 with the following: the tax warrant issued by the commissioner of the department of revenue administration reported pursuant

Amend RSA 198:46, I as inserted by section 25 of the bill by replacing line 2 with the following: amount necessary to fund an adequate education determined by RSA ~~[198:40]~~ **198:40-c** shall assess and remit

Adopted.

**RECESS**

**(Rep. Morris in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 81 and 608 and Senate Bills numbered 23, 70 and 130.

Rep. Currier, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Peter Sullivan in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases.

**Amendment (2279-EBA)**

Amend RSA 169-B:34, III as inserted by section 1 of the bill by replacing it with the following:

III.(~~ta~~) At any time after the ~~[arrest]~~ **diversion or arraignment** of a juvenile ~~[or the service of a juvenile petition]~~, the following information regarding the juvenile ~~[may]~~ **shall** be disclosed to



the victim, *and may be disclosed to the victim's immediate family*, upon the [victim's] request of the victim or the victim's immediate family, by a law enforcement agency or the prosecution:

[~~(1)~~] (a) Name.

[~~(2)~~] (b) Age.

[~~(3)~~] (c) Address.

[~~(4)~~] (d) Gender.

[~~(5)~~] (e) Offense charged.

[~~(6)~~] (f) Custody status.

(g) *Adjudicatory status and disposition.*

[~~(b) The information under subparagraph (a) shall not be unreasonably withheld.~~]

Adopted.

**HB 336-L**, relative to the development and adoption of the school administrative unit budget.

#### Amendment (2288-EBA)

Amend RSA 194-C:9-b, I(a) as inserted by section 2 of the act by replacing lines 11-16 with the following:

"Shall the voters of \_\_\_\_ (name of town) \_\_\_\_ adopt a school administrative unit budget of \$\_\_\_\_\_ for the forthcoming fiscal year in which \$\_\_\_\_\_ is assigned to the school budget of this school district?

This year's adjusted budget of \$\_\_\_\_\_, with \$\_\_\_\_\_ assigned to the school budget of this town, will be adopted if the article does not receive the weighted majority vote of the school district voters in this school administrative unit."

Adopted.

**HB 387-FN**, allowing free day-use admission to the state park system for certain active and retired members of the New Hampshire national guard.

#### Amendment (2289-EBA)

Amend section I of the bill by replacing lines 2-4 with the following:

New Hampshire National Guard. Amend RSA 216-A:3-g by inserting after paragraph IV the following new paragraph:

V.(a) Any active member of a federally recognized unit of the New Hampshire national  
Adopted.

**HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

#### Amendment (2281-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to implementing the Help America Vote Act of 2002.

Adopted.

**HB 606**, establishing a right-to-know study commission and relative to meetings open to the public.

#### Amendment (2286-EBA)

Amend paragraph II of section 3 of the bill by replacing line 2 with the following:  
attending to the duties of the commission.

Amend RSA 91-A:2, I(d) as inserted by section 7 of the bill by replacing it with the following:

(d) *A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2.*

Adopted.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

#### Amendment (2285-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to eligibility for medical benefits for retired state employees.

Adopted.

**SB 87**, changing membership of the commission to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. (Amendment printed SJ 6/30/03)  
Adopted.

RECESS

**(Rep. Currier in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 173, 175, 195, 198, 204, 261, 287, 288, 323, 332, 389, 420, 509, 558, 590, 705, 709, 718, and 811 and Senate Bills numbered 42, 62, 115, 120, 134, 154, 174 and 223.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Schulze in the Chair)**

### **ENROLLED BILL AMENDMENT**

**SB 155**, establishing a commission to study issues relative to groundwater withdrawals. (Amendment printed SJ 6/30/03)  
Adopted.

RECESS

**(Rep. Major in the Chair)**

### **ENROLLED BILL AMENDMENT**

**HB 310**, establishing a commission to study child support and related child custody issues.

#### **Amendment (2301-EBA)**

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. The administrator of the office of child support enforcement services, or a designee.

Amend paragraph IX of section 1 of the bill by replacing it with the following:

IX. The chair of the family law section of the New Hampshire Bar Association, or designee  
Adopted.

RECESS

**(Rep. Edwin Smith in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 248, 336, 387, 577, 606 and 669 and Senate Bill numbered 87.

Rep. Currier, Sen. Green for the Committee

RECESS

**(Rep. Batula in the Chair)**

### **ENROLLED BILL AMENDMENTS**

**SB 41-FN**, relative to the installation of airbags. (Amendment printed SJ 6/30/03)  
Adopted.

**SB 44**, relative to penalties for vehicle dealers, relative to special number plates for certain veterans, and relative to the Conway Branch railroad line. (Amendment printed SJ 6/06/03)  
Adopted.

**SB 45**, relative to the adoption procedure, eligibility, and amounts of property tax exemptions and credits and the property tax deferral program. (Amendment printed SJ 6/30/03)  
Adopted.

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes, and relative to municipal property assessment certification goals of the department of revenue administration. (Amendment printed SJ 6/30/03)  
Adopted.

**SB 72**, relative to the regulation of small loans, title loans, and payday loans. (Amendment printed SJ 6/30/03)  
Adopted.

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals; relative to the board of podiatry; and relative to possession of prescription medication by licensed nurses. (Amendment printed SJ 6/30/03)  
Adopted.

## RECESS

**(Rep. Letourneau in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 79**, relative to the regulation of water treatment equipment installers by the plumber's board.

#### Amendment (2296-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of water treatment equipment installers by the plumber's board, and establishing a committee to study the regulation of the installation and servicing of fire detection and suppression systems and the licensure of water treatment technicians.

Adopted.

**HB 135-FN-L**, relative to charter schools.

#### Amendment (2294-EBA)

Amend RSA 194-B:11, X as inserted by section 3 of the bill by replacing line 6 with the following: section shall be administered and determined by the state board of education which shall have the Amend RSA 194-B:11, XI as inserted by section 3 of the bill by replacing line 3 with the following: paragraph X shall be used to provide a one-year transitional grant to public school districts that Amend RSA 194-B:15, III as inserted by section 5 of the bill by replacing line 2 with the following: school authorized under RSA 194-B:3-a shall first present its complaint to the board of trustees. If Amend RSA 194-B:5, IV-a as inserted by section 6 of the bill by replacing line 2 with the following: to the state board of education, or its designee, on a quarterly basis regarding the charter school's Adopted.

**HB 139**, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

#### Amendment (2300-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data; relative to the deadlines for submitting certain reports to the department of education; and establishing a statewide education accountability system.

Amend RSA 193-E:3, I(f) as inserted by section 1 of the bill by replacing line 1 with the following:  
(f) Expulsion and suspension rates, including in-school and out-of-school suspensions,

Amend section 3 of the bill by replacing line 1 with the following:

Adopted.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board.

#### Amendment (2302-EBA)

Amend RSA 21-J:14-a, II(e) as inserted by section 2 of the bill by replacing line 2 with the following: council, ~~[at least one of whom shall be a selectman in a town with a population of 5,000 or less]~~  
**none of whom shall be an assessor or a municipal official.**

Amend the bill by replacing all after section 4 with the following:

5 Assessing Standards Board; Powers and Duties. RSA 21-J:14-b II is repealed and reenacted to read as follows:

II. All guidelines and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing guidelines and practices. A quorum of the board shall not be required to hold such public forums.

6 Contingency. If SB 54-FN-LOCAL of the 2003 legislative session becomes law, section 5 of this act shall take effect 60 days after its passage and section 4 of this act shall not take effect. If SB 54-FN-LOCAL does not become law, section 4 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 4 and 5 of this act shall take effect as provided in section 6 of this act.

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 262**, relative to operators of bingo and games of chance

#### **Amendment (2291-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Operation of Games of Chance. Amend RSA 287-D:2-b, VI to read as follows:

Adopted.

**HB 303**, relative to life, accident, and health technicals and relative to minimum standards for claim review.

#### **Amendment (2310-EBA)**

Amend section 2 of the bill by replacing lines 2-3 with the following:

inserting after paragraph V the following new paragraph:

V-a. "Group excess loss insurance" means coverage purchased by an employer against the Amend RSA 420-J:6, III as inserted by section 11 of the bill by replacing line 1 with the following:

III. Notification of claim denial shall be made within the following time periods:

Amend the bill by replacing all after section 12 with the following:

13 High Risk Pool Eligibility. RSA 404-G:5-e, 1 (d)-(e) are repealed and reenacted to read as follows:

(d) The individual is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act;

(e) The individual has been certified as eligible for either federal trade adjustment assistance or for pension benefit guarantee corporation, as prescribed by the federal Trade Adjustment Assistance Reform Act of 2002 and the association, in accordance with procedures set forth in its plan of operation, is offering coverage in the high risk pool to such eligible persons at the time of the individual's application; or

(f) The individual has received an offer of coverage from a carrier of individual health insurance that contains a rider or endorsement excluding coverage for a specified condition pursuant to RSA 420-G:5, II.

14 Effective Date.

I. Section 13 of this act shall take effect August 29, 2003 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2003.

Adopted.

**HB 357-FN**, relative to child support insurance settlement intercept.

#### **Amendment (2298-EBA)**

Amend section 1 of the bill by replacing lines 2-4 with the following:

Support Insurance Settlement Intercept. Amend RSA 161-C by inserting after section 3-e the following new section:

161-C:3-f Child Support Insurance Settlement Intercept. The department may provide certain Adopted.

**HB 546**, relative to uniform prescription drug information cards.

**Amendment (2295-EBA)**

Amend section 2 by replacing lines 2 and 3 with the following:

RSA 415 by inserting after section 6-j the following new section:

415:6-k Individual Policy Prescription Drug Information Cards.

Amend section 3 by replacing lines 2 and 3 with the following:

RSA 415 by inserting after section 18-n the following new section:

415:18-o Group or Blanket Plan Prescription Drug Information Cards.

Amend section 3 by replacing lines 13 and 14 with the following:

prescription benefit, the name or trademark logo of the benefit administrator.

(b) The certificate holder's name and identification number.

Amend RSA 420-A:2 as inserted by section 4 by replacing lines 4 and 5 with the following:

II(4), RSA 415:6-g, **RSA 415:6-k**, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, **RSA 415:18-o**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable

Adopted.

**HB 615-FN**, relative to the requirements for registration of sexual offenders.

**Amendment (2313-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the requirements for registration of sexual offenders and relative to certain acts of sexual assault.

Amend the bill by replacing section 7 with the following:

7 Sexual Assault and Related Offenses; Sexual Assault. RSA 632-A:4 is repealed and reenacted to read as follows:

632-A:4 Sexual Assault.

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

(b) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 3 years or less.

II. A person found guilty under subparagraph I(b) of this section shall not be required to register as a sexual offender under RSA 651-B.

III. A person is guilty of a misdemeanor if such person engages in sexual contact or sexual penetration with another person when the actor is in a position of authority over the person under any of the following circumstances:

(a) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(b) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

Consent of the victim under any of the circumstances set forth in paragraph III shall not be considered a defense.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Section 7 of this act shall take effect January 1, 2004 at 12:02 a.m.

II. Sections 8 and 9 of this act shall take effect January 1, 2004.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery.

**Amendment (2293-EBA)**

Amend RSA 189:60, III(a) as inserted by section 1 of the bill by replacing line 1 with the following:

III.(a) The term of office for council members in subparagraphs I (a)-(d) shall be coterminous Amend RSA 189:62, I as inserted by section 1 of the bill by replacing line 2 with the following: programs and funds under this subdivision, provided that such programs and funds shall be targeted, Amend RSA 189:62, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Programs shall be existing operations with boards of directors

Adopted.

**HB 627-FN**, relative to domicile for voting purposes, penalties for voter fraud, and access to pre-served ballots.

#### Amendment (2316-EBA)

Amend RSA 654:8-a, I as inserted by section 27 of the bill by replacing it with the following:

I. Any **person** qualified **as a** voter in a city whose name does not appear on the checklist where registration is required because the voter's voting ~~[residence]~~ **domicile** has changed from one ward in the city to another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk ~~[may]~~ **shall** require the voter to provide acceptable proof of identification and acceptable proof of ~~[residence]~~ **domicile**.

Amend the bill by deleting section 60 and renumbering the original sections 61-66 to read as 60-65, respectively

Adopted.

**HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes and relative to health care data.

#### Amendment (2306-EBA)

Amend the bill by replacing all after section 6 with the following:

7 Information Disclosure to Child Support Enforcement Services. RSA 420-G:11, II is repealed and reenacted to read as follows:

II.(a) All health carriers shall electronically provide:

(1) Their encrypted claims data to the department and to the department of health and human services in accordance with rules approved by the commissioner of health and human services and adopted by the insurance commissioner under RSA 420-G:14.

(2) To the department of health and human services, cross-matched claims data on requested policyholders, and subscriber information necessary for third party liability for benefits provided under RSA 167, filed in accordance with rules adopted under RSA 167:3-c.

(b) Notwithstanding RSA 91-A:10, the collection, storage and release of health care data and statistical information that is subject to the federal requirements of the Health Information Privacy and Accountability Act (HIPAA) shall be governed exclusively by the rules adopted thereunder in 45 CFR Parts 160 and 164.

(c) To the department of health and human services, cross-matched claims data on requested policyholders, and subscriber information necessary to enforce medical child support orders administered by the office of child support enforcement services under RSA 161-C:3-b and RSA 161-C:3-e.

8 Effective Date.

I. Section 7 of this act shall take effect August 16, 2003 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan.

#### Amendment (2307-EBA)

Amend RSA 100-C:1, XX as inserted by section 1 of the bill by replacing line 1 with the following:

XX. "Terminal funding" means providing the full present value of the total liability for Adopted.

**HB 796-FN-I**, relative to the taxation of manufactured housing and relative to notice required prior to the sale of a recreational campground.

**Amendment (2314-EBA)**

Amend RSA 216-I:16, I as inserted by section 8 of the bill by replacing lines 3-5 with the following: owner in the recreational campground of a recreational trailer, as defined in RSA 216-I:1, VIII(c), who pays property taxes to the municipality in which the recreational campground is located and to each owner of a manufactured home who pays property taxes to the municipality for a home used seasonally in the recreational

Adopted.

**HB 798**, relative to gifts by fiduciaries.

**Amendment (2305-EBA)**

Amend RSA 506:6, V(b) as inserted by section 3 of the bill by replacing line 1 with the following:  
*(b) No attorney in fact may make a gift to himself or herself of property belonging*

Adopted.

**HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers.

**Amendment (2297-EBA)**

Amend RSA 397-A:5, II (c) as inserted by section 4 of the bill by replacing line 18 with the following:  
*brings suit naming the principal within 6 years after the act upon which the recovery or*

Amend RSA 397-A:5, III as inserted by section 4 of the bill by replacing line 16 with the following:

*(a) The plaintiff, who may be the attorney general in a suit, action, or*

Amend RSA 397-A:5, III as inserted by section 4 of the bill by replacing lines 19 and 20 with the following:

*on file with the commissioner; and*

*(b) The plaintiff's affidavit of compliance with this paragraph is filed in the*

Amend RSA 397-A:12, VII as inserted by section 9 of the bill by replacing line 2 with the following: representatives of such person shall make freely available to the commissioner or his or her examiners, the

Amend RSA 397-A:12, IX as inserted by section 9 of the bill by replacing line 4 with the following: hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the

Amend section 10 of the bill by replacing lines 1 – 7 with the following:

10 Annual Report; Financial Statement Added. Amend RSA 397-A:13, II - IV to read as follows:

Amend RSA 397-A:17, II as inserted by section 13 of the bill by replacing line 1 with the following:

II. The banking department may, upon due notice and opportunity for a hearing, suspend

Amend RSA 397-A:21, V as inserted by section 17 of the bill by replacing line 13 with the following:

*know, and in the exercise of reasonable care could not have known, of the existence of facts*

Amend RSA 397-B:4, I as inserted by section 23 of the bill by replacing line 6 with the following:

on a form prescribed by the [bank] commissioner and paying a renewal registration fee of \$50, on or

Amend RSA 397-B:4, II as inserted by section 23 of the bill by replacing line 16 with the following:

*(a) The plaintiff, who may be the attorney general in a suit, action, or*

Amend RSA 397-B:4, II as inserted by section 23 of the bill by replacing lines 19 and 20 with the following:

*on file with the commissioner; and*

*(b) The plaintiff's affidavit of compliance with this paragraph is filed in the*

Amend RSA 397-B:6, V as inserted by section 24 of the bill by replacing line 13 with the following:  
*know, and in the exercise of reasonable care could not have known, of the existence of facts*

Amend RSA 397-B:8, I as inserted by section 25 of the bill by replacing line 6 with the following:

to such effect. The [bank] commissioner shall adopt rules in accordance with RSA 541-A relative to  
 Amend RSA 398-A:1-a, II as inserted by section 30 of the bill by replacing line 2 with the following:  
 by the [bank] commissioner.

Amend RSA 398-A:1-a, IV(b) as inserted by section 30 of the bill by replacing line 3 with the following:

under this chapter[;]; and [that]

Amend RSA 398-A:7-a, V as inserted by section 36 of the bill by replacing line 13 with the following:  
*know, and in the exercise of reasonable care could not have known, of the existence of facts*

Amend RSA 398-A:14, III as inserted by section 38 of the bill by replacing line 2 with the following: provides the commissioner with:

Amend the bill by replacing all after section 40 with the following:

41 Revocation; SB 181 Amendment. Amend RSA 398-A:1-b, I(b) to read as follows:

(b) Does not meet the standards established in RSA 398-A:1-a, IV[~~The licensee shall have a right of appeal to the board of trust company incorporation~~];

42 Nullification of SB 181 Amendment. RSA 398-A:1-b as inserted by 2003, 166:2 (SB 181) shall not take effect.

43 Contingent Amendment; SB 121; New Paragraph; Definition. Amend RSA 398-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Originator" means an individual who is employed or retained and supervised by a mortgage lender or broker required to be licensed under RSA 397-A or 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan. No individual may act as an originator for more than one licensee.

44 Contingent Amendment; SB 121. RSA 398-A:1-a, II is repealed and reenacted to read as follows:

II. The application for such license shall be in writing, under oath and in the form prescribed by the commissioner. Each applicant shall provide a list of all individuals, and the address of the work location of each such individual, who will act as originators for the licensee.

45 Contingent Amendment; SB 121. RSA 398-A:1-c, I is repealed and reenacted to read as follows:

I. Each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. The annual report shall include a list of all individuals, and the address of the work location of each such individual, who act as originators for the licensee. The commissioner shall publish an analysis of the information required under this section as a part of his or her annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue.

46 Contingency. If SB 121-FN of the 2003 session becomes law, then sections 43 – 45 of this act shall take effect at 12:01 a.m. on the effective date of sections 1-40 of this act. If SB 121-FN of the 2003 session does not become law, then sections 42 – 45 of this act shall not take effect.

47 Effective Date.

I. Sections 43 - 45 of this act shall take effect as provided in section 46.

II. Section 41 of this act shall take effect January 1, 2004.

III. The remainder of this act shall take effect 30 days after its passage.

Adopted.

## RECESS

**(Rep. Francoeur in the Chair)**

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 79, 135, 139, 242, 262, 303, 310, 316, 357, 361, 415, 470, 543, 546, 615, 619, 621, 627, 654, 670, 671, 680, 702, 748, 751, 796, 798 and 817 and Senate Bills numbered 41, 44, 45, 54, 60, 63, 72, 98, 121, 155, 212, 227 and 229.

Rep. Currier, Sen. Clegg for the Committee

## RECESS

Rep. Hess moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 22

Thursday, September 4, 2003

The House assembled at 10:00 a.m. and was called to order by the Speaker.

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

### SPECIAL GUEST

The Honorable Walter Freed, Speaker of the Vermont House of Representatives, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Beloved Creator, this morning's thunder reminds us that Your creation brings many challenges to us that are beyond our control, and that many dangers and blessings await us upon every horizon. May the work of this honorable House today, in allocating the monetary resources of our state, both lessen the dangers and enhance the blessings that await every citizen of our beloved New Hampshire.

Remembering especially those who in recent days have given their lives in the cause of freeing Iraq and Afghanistan from tyranny and oppression, we ask that Your protective hand be upon all those who serve in the armed forces, law enforcement agencies, emergency medical services, and in the fire service as they protect and defend our country, our homes, our lives and our communities. Amen.

Rep. Karl I. Gilbert led the Pledge of Allegiance.

The National Anthem was sung by Lindsay Devino, a senior student at Pinkerton Academy.

### LEAVES OF ABSENCE

Reps. David Cote and Noyes, the day, illness.

Reps. Bergin, Coes, Flanagan, Flayhan, Gile, Hagan, Joseph Harris, Sandra Harris, Hollinger, Katsiantonis, Lasky, McKinney, Ouellette, Marc Pappas, Pilliod, Ross, Schulze and Weldy, the day, important business.

Rep. Slack, the day, illness in the family.

### INTRODUCTION OF GUESTS

Brian Morris, guest of Rep. Solomon. David, Jennifer and Jillien Allen, husband and daughters of Rep. Janet Allen. Jenn Preziosi, Maggie Spicer, Brian Walsh, Jeff Wotton, Meade MacKay, Peter Benik, Marcus Soutra, Mr. & Mrs. Neil Cheney, guests of Rep. Weed. Jamie White, guest of the Windham-Salem delegation. Lindsey Stults, guest of Rep. Dorsett. Caroletta Alicea, guest of Rep. Claire Clarke. Karen Weidner, guest of Rep. Haytayan. Zafar Magray and Ismail Kaparia, guests of Rep. Tahir. Jill Perry, guest of Rep. Owen.

### SPECIAL GUESTS

Sergeant John M. Mattock of Echo Company, 2<sup>nd</sup> Batalion, 25<sup>th</sup> Marine Regiment who recently returned from serving in Iraq and Kuwait, and his parents, Diane and Michael Mattock were guests of the House.

### COMMUNICATIONS

June 24, 2003

Speaker Gene G. Chandler:

It is with great regret that I submit my resignation as State Representative from Nashua District 64 effective June 30, 2003. I do this for the reason of change of residency.

My time at the State House has been some of the most rewarding of my life and the people I have come to know have enriched my every day. It is my hope that some time in the future I can return to these esteemed halls.

Respectfully,

Rep. Christine Furman, Hills. 64

July 7, 2003

Speaker Gene G. Chandler:

It is with regret that I tender my resignation as Representative to the General Court, effective July 10, 2003.

Due to my husband accepting a new position, I will be leaving New Hampshire after nearly 19 years. I have greatly enjoyed my time here. It has been an honor and a privilege to represent the constituents of District 65 in Nashua.

I have made many friends among my colleagues at the State House, and they will be missed. Best of luck to all as you continue to work for the best good of all our New Hampshire citizens.

Sincerely,

Rep. Christine Konys, Hills. 65

July 21, 2003

Speaker Gene G. Chandler:

As a result of my wife's recent health problems, we have decided that it is prudent to move to a retirement community that provides a variety of levels of residential and nursing services, as may be required for her care. As a result, we have sold our home in Marlow, NH and moved to a retirement community in Cromwell, Connecticut where we are closer to our sons and our daughter.

Therefore, I am submitting my resignation as a member of the New Hampshire House of Representatives, effective as of this date.

I regret having to resign in mid-term and wish you and your colleagues every success in passing a budget that will meet the needs of New Hampshire's citizens and communities.

Very truly yours,

Rep. Robert Batchelder, Ches. 24

On behalf of the House the Speaker accepted the resignations with regret.

The House of Representatives offered the following Memorial Resolution:

#### **House Resolution 14**

Memorializing State Representative Maurice E. Goulet of Bedford

WHEREAS, we have learned with great sorrow of the death of our friend and colleague Maurice E. Goulet, who was in his seventh term of dedicated service to his Bedford constituents; and

WHEREAS, Maurice Goulet was a true son of New Hampshire, born in Manchester and returning to his native state following college, service in the Korean War and his early professional career to settle in Bedford where he became involved in community activities, including the Bedford Historic District Commission; and

WHEREAS, as a member of the Executive Departments and Administration Committee for his entire tenure in the House, serving as Vice Chairman in 1999-2000, in addition to having served as Vice Chairman and Chairman of the Legislative Administration Committee over the last three years, and having gained knowledge and expertise in the area of Administrative Rules, Maurice Goulet was known as a man of calm and gentle persuasion when dealing with the sometimes heated debate caused by differing opinions; and

WHEREAS, in addition to his sartorial splendor, Maurice Goulet was known by all as a gentleman who was never too busy to share a smile or, if needed, an encouraging word – always accompanied by a mischievous twinkle in his eye; and

WHEREAS, while Maurice Goulet was a man of many interests, among them reading, crossword puzzles and fly-fishing, his overriding interest was always his family – his wife, two daughters and four grandsons; now therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Maurice E. Goulet be granted the highest of accolades for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

JoAnn Goulet, Michelle Moore and Cheri Schmitt, wife and daughters of Rep. Goulet were recognized as being in the gallery this day.

#### **SUSPENSION OF RULES**

Late filing and drafting having been approved by the Rules Committee, Reps. Hess and Burling move that rules be so far suspended to allow introduction and consideration at the present time of House Bill 3 and House Bill 4.

Adopted by the necessary two-thirds.

**RESOLUTION**

Reps. Hess and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 3 and 4 shall be by this resolution read a first and second time by their therein listed titles.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First and second reading**

**HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005. (Chandler, Carr 4; Whalley, Belk 31; Kurk, Hills 48; Weyler, Rock 79; Robert Wheeler, Hills 48; Eaton, Dist. 10; Clegg, Dist 14; Green, Dist 6; D'Allesandro, Dist 20)

**HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures. (Chandler, Carr 4; Whalley, Belk 31; Kurk, Hills 48; Weyler, Rock 79; Robert Wheeler, Hills 48; Eaton, Dist. 10; Clegg, Dist 14; Green, Dist 6; D'Allesandro, Dist 20)

**SUSPENSION OF RULES**

Reps. Hess and Burling moved that the rules be so far suspended as to permit action after the deadline, and, if passed, immediate third reading of **HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005.

Rep. Sorg spoke against.

Rep. Whalley spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being on the motion to suspend the rules.

**YEAS 324 NAYS 33****YEAS 324****BELKNAP**

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Whalley, Michael

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Clark, Charles  
Laflam, Robert  
Thomas, John

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Espieffs, Peter  
Liebl, George  
Parkhurst, Henry  
Royce, H Charles  
Weed, Charles

Dexter, Judson  
Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Smith, Edwin

Dunn, James  
Hunt, John  
Meador, David  
Pratt, John  
Tilton, Anna

Eaton, Daniel  
Laurent, John  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

**COOS**

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle

Alger, John  
Bleyler, Ruth  
Dorsett, Andrew

Almy, Susan  
Cooney, Mary  
Dudley, Terri

Barker, Robert  
Densmore, Edward  
Eaton, Stephanie

Gilman, G Michael  
Ingbertson, Paul  
Scovner, Nancy

Giuda, Robert  
Maybeck, Margie  
Sokol, Hilda

Ham, Bonnie  
Naro, Debra  
Solomon, Peter

Hammond, Lee  
Nordgren, Sharon

### HILLSBOROUGH

Adams, Jarvis  
Balcorn, John  
Beaton, William  
Brundige, Robert  
Cail, Kenneth  
Cernota, Albert  
Clemons, Jane  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Graham, John  
Hallyburton, Margaret  
Hunter, Bruce  
Johnson, Lionel  
Laflamme, Charles  
Lessard, Rudy  
Mercer, Robert  
Mosher, William  
Pappas, Christopher  
Reeves, Sandra  
Spiess, Paul  
Sullivan, Peter  
Wheeler, Robert

Allan, Nelson  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carlson, Donald  
Chabot, Robert  
Cote, Peter  
Desmarais, Vivian  
Elliott, Larry  
Gargas, Carolyn  
Greenberg, Gary  
Harrington, Paul  
Infantine, William  
Kopka, Angeline  
LaFlamme, Paul  
Malloy, Chris  
Messier, Irene  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Sweeney, Cynthia

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Buckley, Raymond  
Carter, Jeffrey  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Emerton, Larry  
Gonzalez, Carlos  
Haley, Robert  
Haytayan, Harry Jr  
Irwin, Anne-Marie  
Kurk, Neal  
Leach, Edward  
McElroy, Henry Jr  
Milligan, Robert  
O'Brien, Lori  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Francis  
Tahir, Saghir

Artz, Lawrence  
Batula, Peter  
Brassard, Paul  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Gorman, Mary  
Hall, Charles  
Hinkle, Peyton  
Jean, Claudette  
L'Heureux, Robert  
Lefebvre, Roland  
McHugh, Claire  
Mooney, Maureen  
Palangas, Eric  
Price, Pamela  
Slocum, Lee  
Sullivan, Jeffrey  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Davis, Frank  
Foley, Albert  
Hamm, Christine  
L'Heureux, Stephen  
MacKay, James  
Owen, Derek  
Reed, Dennis

Blanchard, Elizabeth  
Colcord, J D  
DeJoie, John  
Fraser, Leo Jr  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Perkins, Randy  
Rush, Deanna

Bouchard, Candace  
Currier, David  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Leber, William  
Oliver, James  
Potter, Frances  
Seldin, Gloria

Brueggemann, Donald  
Daniels, Eric  
Dunne, Christopher  
Hager, Elizabeth  
Kenison, Leon  
Lockwood, Priscilla  
Osborne, Jessie  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
DiFruscia, Anthony  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Ingram, Russell  
Katsakiores, George  
Langley, Jane  
Manning, John  
Moore, Benjamin  
Packard, Sherman  
Putnam, Ed II  
Roessner, Kurt

Bishop, Franklin  
Camm, Kevin  
Dalrymple, Janeen  
Dodge, Robert  
Dupuis, Roland  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
McCann, Richard  
Morris, Richard  
Pantelakos, Laura  
Quandt, Matthew  
Ruffner, Walter

Blanchard, MaryAnn  
Carson, Sharon  
Davidson, Robert  
Doyle, Christopher  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McEachern, Paul  
Norelli, Terie  
Pitts, Jacqueline  
Rausch, James  
Scamman, Stella

Bridle, Russell  
Casey, Kimberley  
Dearborn, Bruce  
Duffy, James  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
O'Neil, Michael  
Priestley, Anne  
Robertson, Carl  
Shultis, Elizabeth

Smith, Donald  
Tufts, J Arthur  
Weare, E Albert  
Winchell, George

Smith, Paul  
Vallone, Matthew  
Welch, David  
Zolla, William

Splaine, James  
Varrell, Thomas  
Weyler, Kenneth

Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Brown, Julie  
Dunlap, Patricia  
Hofemann, Roland  
Miller, Joseph  
Rollo, Deanna  
Smith, Marjorie  
Twombly, James

Bemis, Alan  
Campbell, W Packy  
Easson, Timothy  
Johnson, Nancy  
Musler, George  
Rous, Emma  
Snyder, Clair  
Wall, Janet

Berube, Roger  
Cataldo, Sam  
Grassie, Anne  
Kaen, Naida  
Newton, Clifford  
Schmidt, Peter  
Spang, Judith  
Woods, Phyllis

Bickford, David  
Creteau, Irene  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Scott, David  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Ferland, Brenda  
Leone, Richard

Burling, Peter  
Flint, Gordon Sr  
Phinizy, James

Cloutier, John  
Franklin, Peter  
Rodeschin, Beverly

Donovan, Thomas  
Jones, Constance

### NAYS 33

### BELKNAP

Ahern, Omer Jr

Rice, Thomas

Wendelboe, Fran

### CARROLL

None

### CHESHIRE

Robertson, Timothy

### COOS

Brady, Mark

### GRAFTON

Gionet, Edmond

Sorg, Gregory

Williams, Burton

### HILLSBOROUGH

Allen, Timothy  
Holden, Randolph  
Ober, Russell III

Balboni, Michael  
Hopper, Gary  
Scanlon, Michael

Gibson, John  
Jasper, Shawn  
Vaillancourt, Steve

Hawkins, Ken  
McRae, Karen  
Wheeler, James

### MERRIMACK

Field, William  
Nutter, Edward

Kennedy, Richard  
Soltani, Tony

Marple, Richard

McCormick, Tom

### ROCKINGHAM

Allen, Mary  
Itse, Daniel

Bicknell, Elbert

Clark, Vivian

Corbin, Corey

### STRAFFORD

Harrington, Michael

Vachon, Dennis

### SULLIVAN

None  
and the motion was adopted by the necessary two-thirds.

Rep. Keans did not vote and wished to be recorded in favor.

### CONSIDERATION OF HB 3

**HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005.

Rep. Whalley moved Ought to Pass.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being Ought to Pass.

**YEAS 318 NAYS 39****YEAS 318****BELKNAP**

Allen, Janet  
Fitzgerald, James  
Nedeau, Stephen

Bartlett, Gordon  
Flanders, Donald  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Thomas, John

Clark, Charles  
Lawton, David  
Whalley, Michael

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Merrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Liebl, George  
Parkhurst, Henry  
Smith, Edwin

Dexter, Judson  
Fish, Douglas  
Manning, Joseph  
Pratt, Irene  
Tilton, Anna

Dunn, James  
Hunt, John  
Meador, David  
Richardson, Barbara  
Webber, Amy

Eaton, Daniel  
Laurent, John  
Mitchell, McKim  
Royce, H Charles  
Weed, Charles

**COOS**

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

King, Frederick  
Richardson, Herbert  
Woodward, David

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Theberge, Robert

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Diamond, Estelle  
Gilman, G Michael  
Maybeck, Margie  
Sokol, Hilda

Alger, John  
Bleyler, Ruth  
Dorsett, Andrew  
Giuda, Robert  
Naro, Debra  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Dudley, Terri  
Ham, Bonnie  
Nordgren, Sharon  
Williams, Burton

Barker, Robert  
Densmore, Edward  
Eaton, Stephanie  
Hammond, Lee  
Scovner, Nancy

**HILLSBOROUGH**

Adams, Jarvis  
Balcom, John  
Beaton, William  
Brundige, Robert  
Cail, Kenneth  
Cernota, Albert  
Clemons, Jane  
Crane, Elenore Casey  
Drisko, Richard  
Fletcher, Richard  
Greenberg, Gary  
Harrington, Paul  
Infantine, William  
Kopka, Angeline  
Leach, Edward  
McHugh, Claire  
Mooney, Maureen  
Palangas, Eric  
Price, Pamela  
Slocum, Lee  
Sullivan, Jeffrey  
Tate, Joan

Allan, Nelson  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carlson, Donald  
Chabot, Robert  
Cote, Peter  
Desmarais, Vivian  
Elliott, Larry  
Gargas, Carolyn  
Haley, Robert  
Haytayan, Harry Jr  
Irwin, Anne-Marie  
Kurk, Neal  
Lefebvre, Roland  
Mercer, Robert  
Mosher, William  
Pappas, Christopher  
Reeves, Sandra  
Spiess, Paul  
Sullivan, Peter  
Vaillancourt, Steve

Arnold, Thomas Jr  
Barry, J Gail  
Bouchard, David  
Buckley, Raymond  
Carter, Jeffrey  
Christensen, D L Chris  
Coughlin, Pamela  
Dionne, Kimberley  
Emerton, Larry  
Gonzalez, Carlos  
Hall, Charles  
Hinkle, Peyton  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
Messier, Irene  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Stepanek, Stephen  
Sweeney, Cynthia  
Wheeler, Robert

Artz, Lawrence  
Batula, Peter  
Brassard, Paul  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Graham, John  
Hallyburton, Margaret  
Hunter, Bruce  
Johnson, Lionel  
Laflamme, Charles  
Malloy, Chris  
Milligan, Robert  
O'Brien, Lori  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Francis  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Currier, David	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	Dunne, Christopher
Foley, Albert	Fraser, Leo Jr	French, Barbara	Hager, Elizabeth
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McCormick, Tom	Oliver, James
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Carson, Sharon	Casey, Kimberley
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher
Duffy, James	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Gleason, John	Gould, Kenneth	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Manning, John	McCann, Richard	McEachern, Paul	McMahon, Charles
Moore, Benjamin	Morris, Richard	Norelli, Terie	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Rausch, James	Robertson, Carl
Roessner, Kurt	Ruffner, Walter	Scamman, Stella	Shultis, Elizabeth
Smith, Donald	Smith, Paul	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Bickford, David
Brown, Julie	Campbell, W Packy	Cataldo, Sam	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Musler, George	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Scott, David	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twombly, James
Vachon, Dennis	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Donovan, Thomas	Ferland, Brenda
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Rodeschin, Beverly

**NAYS 39****BELKNAP**

Ahern, Omer Jr	Laflam, Robert	Rice, Thomas	Wendelboe, Fran
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**CARROLL**

None

**CHESHIRE**

Pratt, John	Robertson, Timothy
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**COOS**

Brady, Mark

**GRAFTON**

Gionet, Edmond	Ingbreton, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Allen, Timothy	Balboni, Michael	Gibson, John	Gorman, Mary
Hawkins, Ken	Holden, Randolph	Hopper, Gary	Jasper, Shawn
LaFlamme, Paul	McElroy, Henry Jr	McRae, Karen	Ober, Russell III
Scanlon, Michael	Wheeler, James		

**MERRIMACK**

Field, William	Kennedy, Richard	Marple, Richard	Nutter, Edward
Soltani, Tony			

**ROCKINGHAM**

Cady, Harriet	Camm, Kevin	Clark, Vivian	Dumaine, Dudley
Itse, Daniel			

**STRAFFORD**

Harrington, Michael	Newton, Clifford
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**SULLIVAN**

Cloutier, John	Franklin, Peter	Phinizz, James
Adopted and ordered to third reading.		

**MOTION ON HB 3**

Rep. Hess moved that **HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005, be read a third time and passed. Adopted.

**Third reading and final passage**

**HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005.

**SUSPENSION OF RULES**

Reps. Hess and Burling moved that the rules be so far suspended as to permit action after the deadline, and, if passed, immediate third reading of **HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures.

Adopted by the necessary two-thirds

Rep. Keans did not vote and wished to be recorded in favor.

**CONSIDERATION OF HB 4**

**HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. Whalley moved Ought to Pass.

Rep. Dodge spoke against.

Rep. Weyler spoke in favor and yielded to questions.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of Ought to Pass.

**YEAS 319 NAYS 41****YEAS 319****BELKNAP**

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Russell, David	Thomas, John
Whalley, Michael			

**CARROLL**

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley



**CHESHIRE**

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Richardson, Barbara	Royce, H Charles
Smith, Edwin	Tilton, Anna	Webber, Amy	Weed, Charles

**COOS**

Guay, Lawrence	King, Frederick	Mears, Edgar	Poulin, Richard
Pratt, Leighton	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Hammond, Lee
Maybeck, Margie	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Williams, Burton	

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bouchard, David
Brassard, Paul	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Buhlman, David	Cail, Kenneth	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clemons, Jane	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Gargas, Carolyn	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul	Haytayan, Harry Jr
Hinkle, Peyton	Hunter, Bruce	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	Leach, Edward	Lefebvre, Roland
Lessard, Rudy	Malloy, Chris	McHugh, Claire	Mercer, Robert
Messier, Irene	Milligan, Robert	Mooney, Maureen	Mosher, William
Movsesian, Lori	O'Brien, Lori	Palangas, Eric	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rowe, Robert	Shaw, Barbara	Slocum, Lee	Spiess, Paul
Stepanek, Stephen	Sullivan, Francis	Sullivan, Jeffrey	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Vaillancourt, Steve	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Currier, David	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	Dunne, Christopher
Foley, Albert	Fraser, Leo Jr	French, Barbara	Hager, Elizabeth
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Carson, Sharon	Casey, Kimberley

Clark, Vivian  
Davidson, Robert  
Doyle, Christopher  
Flanders, John Sr  
Gillick, Thomas  
Hamel, Albert  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McCann, Richard  
Morris, Richard  
Pantelakos, Laura  
Rausch, James  
Scamman, Stella  
Splaine, James  
Varrell, Thomas  
Weyler, Kenneth

Cooney, Richard  
Dearborn, Bruce  
Duffy, James  
Francoeur, Sheila  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McEachern, Paul  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Shultis, Elizabeth  
Stone, Joseph  
Waterhouse, Kevin  
Wiley, Robert

Corbin, Corey  
DiFruscia, Anthony  
Dupuis, Roland  
Gilbert, Jeffrey  
Gould, Kenneth  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McMahon, Charles  
O'Neil, Michael  
Putnam, Ed II  
Roessner, Kurt  
Smith, Donald  
Tufts, J Arthur  
Weare, E Albert  
Winchell, George

Dalrymple, Janeen  
Dodge, Robert  
Fesh, Bob  
Gilbert, Karl  
Griffin, Mary  
Hughes, Daniel  
Johnson, Rogers  
Langley, Jane  
Manning, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Ruffner, Walter  
Smith, Paul  
Vallone, Matthew  
Welch, David  
Zolla, William

### STRAFFORD

Albert, Russell  
Brown, Julie  
Dunlap, Patricia  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Bemis, Alan  
Campbell, W Packy  
Easson, Timothy  
Johnson, Nancy  
Miller, Joseph  
Rous, Emma  
Snyder, Clair  
Wall, Janet

Berube, Roger  
Cataldo, Sam  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Schmidt, Peter  
Spang, Judith  
Woods, Phyllis

Bickford, David  
Creteau, Irene  
Heon, Richard  
Keans, Sandra  
Pelletier, Arthur  
Scott, David  
Twombly, James

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter

Donovan, Thomas  
Jones, Constance

Ferland, Brenda  
Leone, Richard

### NAYS 41

### BELKNAP

Ahern, Omer Jr

Rice, Thomas

Wendelboe, Fran

### CARROLL

Kenney, Bettie

### CHESHIRE

Pratt, John

Robertson, Timothy

### COOS

Brady, Mark

### GRAFTON

Gionet, Edmond

Ingretson, Paul

Sorg, Gregory

### HILLSBOROUGH

Balboni, Michael  
Holden, Randolph  
McElroy, Henry Jr  
Sullivan, Peter

Gibson, John  
Hopper, Gary  
McRae, Karen  
Wheeler, James

Gorman, Mary  
Jasper, Shawn  
Ober, Russell III

Hawkins, Ken  
LaFlamme, Paul  
Scanlon, Michael

### MERRIMACK

Field, William  
Soltani, Tony

Kennedy, Richard

Langer, Ray

Marple, Richard

### ROCKINGHAM

Cady, Harriet  
Itse, Daniel

Camm, Kevin  
Kelley, Jane

Dumaine, Dudley  
Pitts, Jacqueline

Hutchinson, Karen

**STRAFFORD**

Harrington, Michael

Newton, Clifford

Taylor, Kathleen

**SULLIVAN**

Cloutier, John

Phinizy, James

Adopted and ordered to third reading.

**MOTION ON HB 4**

Rep. Hess moved that **HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures, be read a third time and passed.

Adopted.

**Third reading and final passage**

**HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures.

**ADJOURNMENT FROM THE EARLY SESSION**

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet at the Call of the Chair.

Adopted.

**UNANIMOUS CONSENT**

Rep. Dupuis addressed the House.

Rep. Burling requested that the remarks of Rep. Dupuis be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

Rep. Dupuis: Thank you, Mr. Speaker. We heard this morning about three people who had to move from their communities. I also had to do the same thing. I submitted my resignation effective tonight. I want to take this moment to thank some people. First of all and foremost, Mr. Speaker, I want to thank you for your leadership, your friendliness and always your open door. The Municipal and County Government Committee, on which I served, it's an important committee, but I got to tell you it was the most boring thing I've ever had in my life, barring none. I do want to thank Rep. Patten and Rep. Brundige for putting up with my freshman antics, for making me understand and for leading me down there. Mr. Speaker, they are jewels in this House, both of them. Mr. Speaker, to all the members of the committee—I'm not going to go down the names—I want to thank each and every one of you that helped me through, especially Rep. Nancy Johnson, my friend whom I disagree with everything she says, but who was open and my friend. Rep. Dave Buhlman, we found each other on the first day and we have been friends ever since, this is your year Dave, go for it and I'll be there to help you. To the Derry delegation, who all signed a petition against me when I introduced legislation to split Derry in half. They all treated me with respect and kindness, even though they were wrong. I appreciate everyone of them, especially Rep. Zolla who was kind enough to give me advice and Rep. Jim Rauch, who are again, unsung jewels in the Derry delegation. To the freshman class, the freshman legislators who were kind enough to vote me as Vice Chairman. My job as Vice Chairman of the freshman class was to take any complaints they had with leadership to leadership and fight for their cause. I thank them for voting me Vice Chairman. I thank Rep. Crane, Rep. Sam Cataldo and to the freshmen of this class, this is the second half of the session, this is yours and go for your dreams. To my friends who take advantage of the privilege afforded us in the back room, or as I call them, the "hackers' caucus," there was a lot of things said in these hallowed halls, there's a lot said in that room also, I appreciate it and good luck. I guess that's it, I wish you all well. I hope your dreams come true.

Mr. Speaker, I'd like to take a moment, this House has come to the electronic age and we're on the Internet, and I'm sure that there are two or three people listening to us right now. One person who is listening, is who I call the Widow Dupuis and that's my mom who lives in Florida which I call the God's Waiting Room. I'm sure Mom is listening, she never believed I was a State Rep here in New Hampshire. She tried to get up here; she couldn't do it.

Speaker Chandler: It's true, Mom.

Rep. Dupuis: I want to thank my mom for giving me all the advice as a young child—never run with scissors, if your friends are going to jump over a cliff, you don't have to do it, and all of our

favorites – always wear clean underwear because you never know when you're going to get in an accident. Mom, you told me one thing that did stay with me all my life and that's show me your friends and I'll show you who you are. Mom, if listening, I have 400 friends here and I'm proud of it and I'm proud to have served with all of you. Thank you.

### RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:10 a. m.

### RECESS

**(Speaker Chandler in the Chair)**

### SENATE MESSAGE

### CONCURRENCES

**HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005.

**HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 3 and 4.

Rep. Currier, Sen. D'Allesandro for the Committee

### RECESS

**(Rep. Hess in the Chair)**

### RESOLUTION

Rep. Roessner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1126 through 1149, 1151 through 1199, 1201 through 1249, 1251 through 1299, 1301 through 1349 and 1351 through 1391; House Joint Resolutions numbered 20 through 24; House Concurrent Resolutions numbered 20 through 24, House Resolutions numbered 20 through 24 and Constitutional Amendment Concurrent Resolutions numbered 20 through 26, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS, HJR's, HCR's, HR's and CACR's

#### First, second reading and referral

**HB 1126**, relative to obstructing or hindering hunting, fishing, or trapping of fish and game. (L. Christiansen, Hills 66; Marple, Merr 37; Gibson, Hills 58; Fish and Game)

**HB 1127**, relative to consideration of road improvements in property appraisals. (Gilman, Graf 9; Municipal and County Government)

**HB 1128**, relative to motor vehicle dealer registrations. (Greenberg, Hills 50; Transportation)

**HB 1129**, prohibiting smoking in vehicles when child passenger restraints are required. (McCann, Rock 84; Miller, Straf 72; Price, Hills 64; Albert, Straf 67; Buckley, Hills 56; Cohen, Dist. 24; Transportation)

**HB 1130**, relative to certain insurance agents. (DeStefano, Merr 41; Commerce)

**HB 1131**, requiring the department of environmental services to study the cost effectiveness of programs to control exotic aquatic weeds and to examine alternatives. (Drisko, Hills 46; Resources, Recreation and Development)

**HB 1132-L**, establishing a committee to study allowing the operation of slot machines and keno in restaurants and establishments serving liquor. (DiFruscia, Rock 76; Bruno, Hills 45; Weyler, Rock 79; Ways and Means)

**HB 1133**, relative to disclosures required prior to a condominium sale. (Almy, Graf 18; Commerce)

**HB 1134**, relative to appointment of the chief justice of the supreme court. (Rowe, Hills 47; Elliott, Hills 42; Judiciary)

- HB 1135**, relative to appointment of the chief justice of the superior court. (Elliott, Hills 42; Rowe, Hills 47: Judiciary)
- HB 1136**, relative to homeowner exemptions from certain environmental permitting. (Patten, Carr 7; Kathleen Taylor, Straf 70; Wall, Straf 72: Resources, Recreation and Development)
- HB 1137**, relative to the use of impact fees. (McKinney, Rock 75; Packard, Rock 75: Municipal and County Government)
- HB 1138**, establishing a Nash Stream forest citizens committee. (King, Coos 1; Stohl, Coos 1; L. Pratt, Coos 2; Gallus, Dist 1: Resources, Recreation and Development)
- HB 1139**, relative to vehicles stopping in travel lanes. (Hallyburton, Hills 45: Transportation)
- HB 1140**, relative to the disposal of surplus real estate. (Kennedy, Merr 34; Hamm, Merr 34: Public Works and Highways)
- HB 1141**, relative to dioxin emissions reduction and medical waste incinerators. (Musler, Straf 68; Phinizy, Sull 23: Science, Technology and Energy)
- HB 1142**, relative to tort liability to third persons for oil spills. (Dickinson, Carr 4: Judiciary)
- HB 1143**, relative to legislators temporarily serving as county commissioners. (Kennedy, Merr 34: Commerce)
- HB 1144**, establishing a committee to study banning alcohol sales at youth and family-oriented community events. (Kerns, Hills 57: Children and Family Law)
- HB 1145**, prohibiting commercial faxes. (Kerns, Hills 57: Commerce)
- HB 1146**, ratifying the national crime prevention and privacy compact. (Kerns, Hills 57: Criminal Justice and Public Safety)
- HB 1147**, relative to the use of deadly force in defense of a fetus. (Kerns, Hills 57; Souza, Hills 51: Criminal Justice and Public Safety)
- HB 1148**, defining a wetland for the purpose of fill and dredge in wetlands. (Camm, Rock 79: Resources, Recreation and Development)
- HB 1149**, relative to the provision of credit reports to consumers. (Derby, Carr 7; Dorsett, Graf 16; Mooney, Hills 58; Stevens, Carr 7; Bemis, Straf 67: Commerce)
- HB 1151**, relative to membership on the zoning board of adjustment. (Cady, Rock 73: Municipal and County Government)
- HB 1152**, relative to the salaries of elected town officials. (Cady, Rock 73; Nutter, Merr 37; Kennedy, Merr 34; Boyce, Belk 31: Municipal and County Government)
- HB 1153**, relative to employment security. (Bishop, Rock 74; Fraser, Merr 37; Flanders, Dist. 7; Cohen, Dist. 24: Labor, Industrial and Rehabilitative Services)
- HB 1154**, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court. (Benn, Graf 17; Bleyler, Graf 17; Nordgren, Graf 17; Scovner, Graf 17; Alger, Graf 14; Below, Dist 5; Johnson, Dist 2: Judiciary)
- HB 1155**, establishing a committee to study the feasibility of implementing a training program for school board members. (Bergin, Hills 47: Education)
- HB 1156**, establishing a committee to study the use of pesticides and herbicides in residential neighborhoods. (Diamond, Graf 17; Olimpio, Carr 8; Phinizy, Sull 23; Franklin, Sull 20; P. Allen, Ches 27; Owen, Merr. 34; C. Hamm, Merr 34, Miller, Straf. 72, Below, Dist 5: Environment and Agriculture)
- HB 1157**, establishing a committee to study the feasibility of implementing model legislation on medical resident work hour restrictions. (Osborne, Merr 40; Daniels, Merr 38; Nordgren, Graf 17; French, Merr 34; DeJoie, Merr 39; Larsen, Dist 15, Below, Dist 5, Odell, Dist 8: Health, Human Services and Elderly Affairs)
- HB 1158**, relative to a necessary quorum in town elections for motions to reconsider after voting polls have been open a period of more than 4 hours. (Drisko, Hills 46: Municipal and County Government)
- HB 1159**, relative to prohibited employment for state liquor commission employees. (Mock, Carr 4; Rowe, Hills. 47: Executive Departments and Administration)
- HB 1160**, relative to the membership of the board of professional geologists. (Bruno, Hills 45: Executive Departments and Administration)
- HB 1161**, relative to solicitation and marketing of insurance products. (Spiess, Hills 47: Commerce)
- HB 1162**, relative to school district policies on bullying. (McRae, Hills 48; Naro, Graf 15; O'Hearn, Dist. 12: Education)

**HB 1163**, establishing a commission to study methods of increasing the number of insurance carriers doing business in New Hampshire. (McRae, Hills 48: Commerce)

**HB 1164**, relative to moorings on Bow Lake. (M. Harrington, Straf 68: Resources, Recreation and Development)

**HB 1165**, relative to extending domestic violence protection orders. (M. Harrington, Straf 68; Mock, Carr 4; Boyce, Dist 4: Criminal Justice and Public Safety)

**HB 1166**, clarifying certain local regulation of OHRVs and relative to the operation of snow traveling vehicles on class VI roads. (Philbrick, Carr 5; Merrow, Carr 6: Resources, Recreation and Development)

**HB 1167**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (Balcom, Hills 58; Roberge, Dist 9: Transportation)

**HB 1168**, establishing a committee to study the effects of the current business tax structure on New Hampshire's economy. (Balcom, Hills 58; Mercer, Hills 59; R. L'Heureux, Hills 58; Spiess, Hills 47; Batula, Hills 58; Foster, Dist 13: Ways and Means)

**HB 1169**, relative to child support calculations based on one-time or irregular income. (Hallyburton, Hills 45; Craig, Hills 50: Children and Family Law)

**HB 1170**, establishing a committee to study access to medical records of persons with highly communicable diseases. (Hammond, Graf 18; Sokol, Graf 17; Scovner, Graf 17: Health, Human Services and Elderly Affairs)

**HB 1171**, relative to official ballot voting on issuance of bonds or notes. (McKinney, Rock 75: Municipal and County Government)

**HB 1172-L**, relative to compensation of county convention members for county business. (Welch, Rock 79; G. Katsakiores, Rock 77; V. Clark, Rock 79; Francoeur, Rock 85; Griffin, Rock 76: Municipal and County Government)

**HB 1173**, establishing a committee to study the discontinuation of the use of social security numbers in the criminal justice system. (Kerns, Hills 57: Criminal Justice and Public Safety)

**HB 1174**, relative to acceptance of electronic records by government agencies. (Cady, Rock 73: Executive Departments and Administration)

**HB 1175**, relative to the use of official ballot referenda as an optional form of town meeting. (Anderson, Merr 41; Kenison, Merr 41; DeStefano, Merr 41: Municipal and County Government)

**HB 1176**, relative to government access to private property. (Ahern, Belk 29; Ober, Hills 66; Bruno, Hills 45; Newton, Straf 67: Judiciary)

**HB 1177-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Wendelboe, Belk 29; Woods, Straf 69: Judiciary)

**HB 1178-FN**, relative to sales of tobacco products to persons under 21 years of age. (Hammond, Graf 18; Jasper, Hills 66; Gibson, Hills 58; Wall, Straf 72; Miller, Straf 72: Commerce)

**HB 1179-FN**, relative to driver education training reimbursement. (Hammond, Graf 18; Major, Rock 79; P. Cote, Hills 65: Transportation)

**HB 1180**, relative to the creation of express trusts for pets. (Hallyburton, Hills 45; Roberge, Dist 9: Commerce)

**HB 1181**, relative to certain deliberative session amendment procedures in official ballot voting. (Scanlon, Hills 57: Municipal and County Government)

**HB 1182-FN**, allowing municipalities to adopt a property tax exemption for long-time resident elderly persons. (McKinney, Rock 75: Municipal and County Government)

**HB 1183**, relative to transporting manufactured housing. (Bishop, Rock 74: Transportation)

**HB 1184**, requiring all vehicles to be equipped with mud flaps or spray or splash guards. (L. Pratt, Coos 2: Transportation)

**HB 1185**, relative to the adoption of amendments to articles proposed in the first session in official ballot proceedings. (Slocum, Hills 47; Buhlman, Hills 66; Adams, Hills 43; Roberge, Dist 9: Municipal and County Government)

**HB 1186-FN**, relative to registration stickers issued to nonresidents operating snowmobiles in New Hampshire. (Woodward, Coos 3: Resources, Recreation and Development)

**HB 1187-L**, allowing municipalities to deposit land use change tax revenues into a heritage fund. (Drisko, Hills 46: Municipal and County Government)

**HB 1188**, relative to indoor air quality in public schools. (Pilliod, Belk 31; Drisko, Hills 46; Dickinson, Carr 4; Alger, Graf 14; French, Merr. 34; Estabrook, Dist 21; O'Hearn, Dist 12: Education)

**HB 1189-FN-L**, increasing the property tax credit for service-connected total disability. (Buckley, Hills 56; Easson, Straf 68: Municipal and County Government)

**HB 1190**, relative to exceptions to the carrying or selling of certain weapons. (Hopper, Hills 48; Cady, Rock 73; Itse, Rock 80; Boyce, Belk 31; Ahern, Belk 29: Criminal Justice and Public Safety)

**HB 1191-FN**, relative to court proceedings. (Ingbretson, Graf 13; Goyette, Hills 66; Gibson, Hills 58; Artz, Hills 64: Judiciary)

**HB 1192**, relative to psychotropic drug recommendations by public employees. (Ingbretson, Graf 13; Itse, Rock 80; Gilman, Graf 9; L. Christiansen, Hills 66; Gibson, Hills 58: Health, Human Services and Elderly Affairs)

**HB 1193**, establishing a committee to study the constitutionality of the federal income tax and constitutional abuses in the collection of the income tax and its effects on New Hampshire citizens. (Ingbretson, Graf 13; Ober, Hills 66; Cady, Rock 73: State-Federal Relations and Veterans Affairs)

**HB 1194**, establishing a study committee relative to notifying tenants of radon in rental units. (C. Laflamme, Hills 50; P. Sullivan, Hills 50: Judiciary)

**HB 1195-FN**, increasing the penalty assessment on fines imposed by the courts. (Tholl, Coos 2; Welch, Rock 79: Criminal Justice and Public Safety)

**HB 1196-FN-A-L**, relative to leasing a certain parcel of state-owned property to the town of Hopkinton. (Kennedy, Merr 34: Public Works and Highways)

**HB 1197-FN-A-L**, relative to selling a certain parcel of state-owned property to the town of Hopkinton. (Kennedy, Merr 34: Public Works and Highways)

**HB 1198**, relative to reporting child custody statistics. (Bickford, Straf 68: Children and Family Law)

**HB 1199-FN-L**, relative to water connection fees. (Bickford, Straf 68; Buhlman, Hills 66: Municipal and County Government)

**HB 1201**, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. (Bickford, Straf 68; Bruno, Hills 45: Judiciary)

**HB 1202**, relative to third-party payment of covered services ordered by the juvenile court. (Bickford, Straf 68; McRae, Hills 48; L Fraser, Merr. 37, O'Hearn, Dist 12: Commerce)

**HB 1203-FN-A**, establishing a research and development tax credit against the business profits tax. (Elliott, Hills 42; Mock, Carr 4; Wall, Straf 72; P. Sullivan, Hills 50; Hansen, Hills 47, P. LaFlamme, Hills 42, Dionne, Hills. 42, O'Brien, Hills. 43, Gibson, Hills 58, Artz, Mills. 64, C. Pappas, Hills. 49, Vallone, Rock. 80, Quandt, Ro9ck 83, Derby, Carr. 7, Malloy, Hills. 66, Davidson, Rock. 82, Kerns, Hills. 57, Easson, Straf. 68, P. Smith, Rock. 75, M. Pappas, Hills. 49, Katsiantonis, Hills. 50, Brady, Coos 2: Ways and Means)

**HB 1204-FN-A**, establishing an historic homeownership mortgage credit program. (Hamm, Merr 34: Commerce)

**HB 1205**, establishing a committee to study alternative waste disposal systems. (Owen, Merr 34: Resources, Recreation and Development)

**HB 1206**, establishing a committee to study the appropriateness of designating corporations as legal persons. (Owen, Merr 34: Judiciary)

**HB 1207-FN-A**, relative to an Operation Iraqi Freedom service bonus payment. (Hofemann, Straf 69; Brassard, Hills 50: State-Federal Relations and Veterans Affairs)

**HB 1208**, relative to standards of certification in credentialing for New Hampshire public school food service directors and staff. (Francoeur, Rock 85; O'Neil, Rock 85: Executive Departments and Administration)

**HB 1209**, relative to substances added to public water supplies. (Hagan, Hills 50; P. Harrington, Hills 60: Resources, Recreation and Development)

**HB 1210**, relative to self-service storage facility liens. (Jasper, Hills 66: Commerce)

**HB 1211**, relative to the expenditure of land use change tax revenues. (Jasper, Hills 66: Municipal and County Government)

**HB 1212**, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18. (Bickford, Straf 68; O'Hearn, Dist 12; Foster, Dist 13: Children and Family Law)

**HB 1213-FN-L**, exempting persons age 70 and older from the state and local education portion of property taxes. (J. Flanders, Rock 79; Packard, Rock 75; Welch, Rock 79; Stevens, Carr 7; Morris Rock 84: Ways and Means)

**HB 1214-FN**, relative to the penalty for filing an erroneous default budget. (Putnam, Rock 79; J. Flanders, Rock 79; Gilman, Graf 9: Municipal and County Government)

**HB 1215**, relative to seasonal directional signs. (Derby, Carr 7; Olimpio, Carr 8: Public Works and Highways)

**HB 1216-FN-A**, making an appropriation to the small business innovation research support program. (Akins, Graf 18; Kaen, Straf 72; Dodge, Rock 80; Stepanek, Hills 47: Finance)

**HB 1217**, relative to apportioning state representative districts for Hillsborough county. (Balboni, Hills 59; Milligan, Hills 58; Drisko, Hills 46; Lasky, Hills 65; O'Hearn, Dist 12: Election Law)

**HB 1218**, relative to criminal threatening by public servants. (Cady, Rock 73; Souza, Hills 51; Nutter, Merr 37; Ingbreton, Graf 13; Marple, Merr 37: Judiciary)

**HB 1219-FN**, establishing penalties for transmission or distribution of obscene electronic mail. (Cady, Rock 73; Reeves, Hills 49; Langley, Rock 88; Souza, Hills 51; Ahern, Belk 29: Criminal Justice and Public Safety)

**HB 1220-FN**, relative to banning partial birth abortion. (Cady, Rock 73; Souza, Hills 51; Bicknell, Rock 73: Judiciary)

**HB 1221**, establishing a committee to study repealing universal service telephone charges. (Cady, Rock 73; Souza, Hills 51; Nutter, Merr 37; Marple, Merr 37: Science, Technology and Energy)

**HB 1222**, establishing a commission and authorizing a portrait of Vesta Roy, New Hampshire's first woman governor. (Elliott, Hills 42; Estabrook, Dist 21: Executive Departments and Administration)

**HB 1223**, establishing a committee to study state reimbursement to municipalities for emergency responses along interstate highways. (Ahern, Belk 29: Finance)

**HB 1224**, establishing the Uniform Trust Code in New Hampshire. (Hunt, Ches 28: Commerce)

**HB 1225-FN-A**, making administrative changes to the historic agricultural structure matching grants program and making an appropriation to the barn preservation fund. (Babson, Carr 6: Finance)

**HB 1226-L**, establishing a debt retirement fund in the Governor Wentworth regional school district. (Babson, Carr 6: Education)

**HB 1227**, relative to land assessed for current use which is taken by eminent domain. (Babson, Carr 6: Environment and Agriculture)

**HB 1228**, requiring legislative approval of changes in the uniform fine schedule. (Gibson, Hills 58; Weyler, Rock 79; Goyette, Hills 66; Holden, Hills 48; Artz, Hills 64; L. Christiansen, Hills 66, Gallus, Dist 1; Boyce, Dist 4; Sapareto, Dist 19: Judiciary)

**HB 1229**, establishing a commission to study bioaccumulative toxic chemicals. (Phinizy, Sull 23; Rous, Straf 72; J. Dunn, Ches 25: Environment and Agriculture)

**HB 1230-FN**, relative to abandoned deposits held by telephone utilities and relative to public interest payphones. (Phinizy, Sull 23; Alger, Graf 14; Ferland, Sull 23; Estabrook, Dist 21: Science, Technology and Energy)

**HB 1231-FN**, relative to the state flag. (Morris, Rock 84; Itse, Rock 80; Cataldo, Straf 68; Sapareto, Dist 19: Executive Departments and Administration)

**HB 1232-FN**, allowing a disabled person to enroll in a class free of charge at any institution within the university system of New Hampshire, provided a seat is available in the class. (Akins, Graf 18: Education)

**HB 1233**, relative to the accuracy of information used by consumer reporting agencies. (Almy, Graf 18: Commerce)

**HB 1234**, establishing a study committee to examine ways to prevent and address homelessness in New Hampshire. (Morris, Rock 84; Souza, Hills 51; Hagan, Hills 50: Health, Human Services and Elderly Affairs)

**HB 1235-FN**, establishing a criminal penalty for throwing an incendiary object from a motor vehicle. (Morris, Rock 84; Larsen, Dist 15: Criminal Justice and Public Safety)

**HB 1236-FN-L**, relative to municipal use of impact fees. (Bruno, Hills 45: Municipal and County Government)

**HB 1237**, allowing deer hunting with a primitive flintlock muzzleloader. (Kennedy, Merr 34; Goyette, Hills 66: Fish and Game)

**HB 1238-FN**, requiring interpreters for persons with limited English proficiency in court and administrative proceedings. (Dumaine, Rock 75: Judiciary)

**HB 1239**, relative to records access by private investigators. (Dumaine, Rock 75: Criminal Justice and Public Safety)



- HB 1240**, prohibiting minors from sitting in the smoking sections of restaurants. (Cloutier, Sull 22; Joseph Manning, Ches 28; Pilliod, Belk 31; French, Merr 34: Commerce)
- HB 1241**, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care. (Gile, Merr 38; E. Blanchard, Merr 38; Larsen, Dist 15: Executive Departments and Administration)
- HB 1242**, establishing a committee to study protecting law enforcement officers and others from public disclosure of their personal information. (Kurk, Hills 48; Welch, Rock. 79; Odell, Dist 8; Kenney, Dist 3: Judiciary)
- HB 1243**, prohibiting the collection of biometric data. (Kurk, Hills 48; M. Smith, Straf 72; Odell, Dist 8: Transportation)
- HB 1244**, relative to subcontractors' liens for labor and materials. (McRae, Hills 48; Holden, Hills 48: Commerce)
- HB 1245**, nullifying the Sixteenth amendment to the United States Constitution. (McElroy, Hills 61; Itse, Rock 80; Ingretson, Graf 13; Buhlman, Hills 66: State-Federal Relations and Veterans Affairs)
- HB 1246**, nullifying the USA Patriot Act. (McElroy, Hills 61; Itse, Rock 80; Bicknell, Rock 73; Ingretson, Graf 13: State-Federal Relations and Veterans Affairs)
- HB 1247-FN**, relative to a statewide law library network. (Franklin, Sull 20: Judiciary)
- HB 1248-FN**, adding a licensed nursing assistant member to the state board of nursing. (Elliott, Hills 42: Executive Departments and Administration)
- HB 1249-FN**, relative to the recreational taking of lobster by scuba diving. (M. Harrington, Straf 68; Hopper, Hills 48: Fish and Game)
- HB 1251-FN-A**, establishing an income tax. (M. Harrington, Straf 68: Ways and Means)
- HB 1252-FN**, requiring the posting of notice by uninsured liquor licensees. (Burling, Sull 19; Almy, Graf 18; B. Richardson, Ches 26: Commerce)
- HB 1253-FN-L**, prohibiting public funds, employees, and facilities to assist or perform abortions. (Easson, Straf 68; Ahern, Belk 29; Bicknell, Rock 73; Albert, Straf 67: Judiciary)
- HB 1254-FN**, granting certain disabled veterans an exemption from state education property taxes. (Easson, Straf 68; Coughlin, Hills 45; Albert, Straf 67: Ways and Means)
- HB 1255**, relative to the procedure for calling for a special town or school district meeting. (Scanlon, Hills 57: Municipal and County Government)
- HB 1256**, relative to a buddy system for firefighters. (Patten, Carr 7; Wall, Straf 72; Kathleen Taylor, Straf 70: Municipal and County Government)
- HB 1257-FN**, relative to penalties for driving under the influence with a minor in the vehicle. (R. L'Heureux, Hills 58; Berube, Straf 67; Stohl, Coos 1; Roberge, Dist 9; Martel, Dist 18; Flanders, Dist 7; Johnson, Dist 2: Criminal Justice and Public Safety)
- HB 1258-FN**, establishing supporting public schools number plates. (Pelletier, Straf 71: Transportation)
- HB 1259**, relative to the medical certification required for a walking disability plate or placard. (Buhlman, Hills 66; Cady, Rock 73; Bergeron, Hills 66; Theberge, Coos 3, Barnes, Dist 17; Below, Dist 5: Transportation)
- HB 1260**, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge. (Buhlman, Hills 66; Lessard, Hills 66; Heon, Straf 67; Quandt, Rock 83; Clegg, Dist 14: Public Works and Highways)
- HB 1261**, relative to closing a certain rest area on the F. E. Everett turnpike. (P. Laflamme, Hills 61: Public Works and Highways)
- HB 1262**, establishing a committee to study ways to encourage municipal recycling efforts. (Rous, Straf 72; Williams, Graf 16: Environment and Agriculture)
- HB 1263**, establishing a committee to study the feasibility of creating a trust fund to support a family and disability leave program. (Gile, Merr 38; DeJoie, Merr 39; Gargas, Hills 46; Seldin, Merr 39; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)
- HB 1264**, relative to advertisement of prescription drugs. (DeJoie, Merr 39; Dexter, Ches 27; Pilliod, Belk 31: Commerce)
- HB 1265**, establishing a committee to study prescriptive authority of qualified psychologists. (DeJoie, Merr 39; MacKay, Merr 39; Kathleen Taylor, Straf 70; Seldin, Merr 39; Gile, Merr 38: Executive Departments and Administration)
- HB 1266**, relative to the long-term care ombudsman. (MacKay, Merr 39: Health, Human Services and Elderly Affairs)

- HB 1267**, requiring fast food restaurants to provide nutritional information to consumers. (Langley, Rock 88; Lockwood, Merr 35; Scamman, Rock 83; Cady, Rock 73; French, Merr 34; Cohen, Dist 24: Commerce)
- HB 1268**, relative to bank reserve and lending procedures. (Marple, Merr 37; Ingbretson, Graf 13; L. Christiansen, Hills 66; Goyette, Hills 66; McElroy, Hills 61; Weyler, Rock 79; Gibson, Hills 58; Commerce)
- HB 1269**, establishing a citizens' legislative redistricting advisory board. (Burling, Sull 19; Weed, Ches 25: Election Law)
- HB 1270**, prohibiting the deduction of any taxes from mileage reimbursement checks for house members. (Marple, Merr 37; Ingbretson, Graf 13; L. Christiansen, Hills 66; Gibson, Hills 58; Goyette, Hills 66; Gilman, Graf 9. McElroy, Hills 61: Legislative Administration)
- HB 1271-FN**, repealing the license to carry provisions of state law. (Marple, Merr 37; L. Christiansen, Hills 66; Goyette, Hills 66; Gilman, Graf 9; Nutter, Merr 37, Dickinson, Carr 4, McElroy, Hills 61: Criminal Justice and Public Safety)
- HB 1272**, relative to allowing towns to have an official ballot vote on the issuance of specific bonds or notes. (Scanlon, Hills 57: Municipal and County Government)
- HB 1273**, relative to the use of trails managed by OHRV clubs. (King, Coos 1: Resources, Recreation and Development)
- HB 1274**, relative to evidence admissible in sexual assault cases. (Hopper, Hills 48; Bruno, Hills 45; Cady, Rock 73; Ahern, Belk 29, Soltani, Merr 37: Criminal Justice and Public Safety)
- HB 1275-FN-A**, relative to the role of the department of health and human services in juvenile proceedings. (Bickford, Straf 68; Hallyburton, Hills 45; Foster, Dist 13: Children and Family Law)
- HB 1276-FN**, establishing Bronze Star and Silver Star number plates. (Hallyburton, Hills 45; Coughlin, Hills 45; Fields, Hills 58; McCann, Rock 84: Transportation)
- HB 1277-FN**, requiring assisted living facilities to have certain security measures for residents. (C. Bouchard, Merr 39; MacKay, Merr 39; DeJoie, Merr 39; Daniels, Merr 38; Seldin, Merr 39; Larsen, Dist 15; Gallus, Dist 1: Health, Human Services and Elderly Affairs)
- HB 1278-FN-L**, relative to the applicable minimum wage for hourly employees. (Keans, Straf 67; Lasky, Hills 65; Norelli, Rock 86; Seldin, Merr 39; Quandt, Rock 83; Estabrook, Dist 21; Foster, Dist 13; D'Allesandro, Dist 20; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)
- HB 1279**, establishing a committee to study the adoption and implementation of the multistate forensic DNA compact in New Hampshire. (Kerns, Hills 57: Criminal Justice and Public Safety)
- HB 1280-FN**, establishing limited driving privileges special licenses. (Kerns, Hills 57: Transportation)
- HB 1281**, relative to the determination of the amount of taxes to be raised to support a cooperative school district. (Hunt, Ches 28: Ways and Means)
- HB 1282**, relative to exemptions from the consumer protection act. (Hunt, Ches 28: Commerce)
- HB 1283**, relative to wetlands permits. (Campbell, Straf 68: Resources, Recreation and Development)
- HB 1284**, relative to setbacks from wetlands. (Campbell, Straf 68: Resources, Recreation and Development)
- HB 1285**, restricting owners of land in current use and land acquired with public funds from posting for no hunting. (L. Christiansen, Hills 66: Environment and Agriculture)
- HB 1286**, relative to oaths of office. (L. Christiansen, Hills 66; Gibson, Hills 58; Marple, Merr 37; Ingbretson, Graf 13: Judiciary)
- HB 1287**, establishing a study committee to review insurance statutes and rules to assure conformity with the mission statement published by the insurance department. (L. Christiansen, Hills 66: Commerce)
- HB 1288-FN**, reducing the membership of the fish and game commission. (L. Christiansen, Hills 66: Fish and Game)
- HB 1289-FN-L**, relative to drug-free senior housing zones. (Crane, Hills 59; Langley, Rock 88; P. Sullivan, Hills 50; P. Katsakiores, Rock 77; Bergeron, Hills 66: Criminal Justice and Public Safety)
- HB 1290**, establishing a time limit on the receipt of Temporary Assistance for Needy Families. (Crane, Hills 59; Dickinson, Carr 4; Bergeron, Hills 66: Health, Human Services and Elderly Affairs)
- HB 1291-L**, relative to elderly and handicapped priority low-income housing. (Crane, Hills 59; Langley, Rock 88; P. Katsakiores, Rock 77; Bergeron, Hills 66: Municipal and County Government)
- HB 1292**, apportioning state representative districts. (Hopper, Hills 48; Bruno, Hills 45; Kurk, Hills 48: Election Law)

- HB 1293**, relative to emission control equipment for certain vehicles. (Artz, Hills 64; Bicknell, Rock 73; Newton, Straf 67; Gibson, Hills 58; L. Christiansen, Hills 66; Goyette, Hills 66; Ingbreton, Graf 13: Science, Technology and Energy)
- HB 1294**, establishing a committee to study the effect of the federal reauthorization of the Temporary Aid to Needy Families Program and its effect on the state of New Hampshire. (MacKay, Merr 39; S. Harris, Sull 22; Pilliod, Belk 31; Batula, Hills 58; Emerton, Hills 48; Martel, Dist 18; Estabrook, Dist 21; O'Hearn, Dist 12; Below, Dist 5: Health, Human Services and Elderly Affairs)
- HB 1295**, relative to the right-to-know law. (Cady, Rock 73; Nutter, Merr 37; Marple, Merr 37: Judiciary)
- HB 1296**, establishing a committee to study the transfer of authority for dairy product inspection to the department of agriculture, markets, and food and to study revising and updating RSA 184. (Gilman, Graf 9; Ahern, Belk 29; Babson, Carr 6; Brady, Coos 2; Ingbreton, Graf 13; Johnson, Dist 2: Environment and Agriculture)
- HB 1297**, relative to credit for American sign language and transliteration as a foreign language. (Gilman, Graf 9; Boyce, Belk 31; Heon, Straf 67; Gallus, Dist 1: Education)
- HB 1298**, relative to dispute resolution within the context of public employee labor relations. (Gilman, Graf 9: Labor, Industrial and Rehabilitative Services)
- HB 1299**, relative to the removal of the tax collector or town clerk, and required notice to the board of selectmen by a candidate for office if the candidate has ever been removed from a bonded position. (Giuda, Graf 13; Patten, Carr 7; Ingbreton, Graf 13: Municipal and County Government)
- HB 1301**, relative to extensions to the intent to cut. (Dickinson, Carr 4; Royce, Ches 28; Babson, Carr 6; Merrow, Carr 6; Gallus, Dist 1; Johnson, Dist 2; Kenney, Dist 3: Municipal and County Government)
- HB 1302**, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces. (Dickinson, Carr 4; Babson, Carr 6; Pilliod, Belk 31; Quandt, Rock 83; Kenney, Dist 3: Judiciary)
- HB 1303-FN**, creating a charity bingo and lucky 7 ticket review and advisory commission and establishing a multi-hall linked bingo pilot program. (Dickinson, Carr 4; D. Eaton, Ches 24; J. Brown, Straf 67; Belanger, Rock 76; Martel, Dist 18; Gallus, Dist 1: Ways and Means)
- HB 1304-L**, relative to notice for zoning rehearings. (Ahern, Belk 29: Municipal and County Government)
- HB 1305**, establishing a committee to study certain high interest loans. (Kurk, Hills 48; Odell, Dist 8: Commerce)
- HB 1306**, relative to collective bargaining by state employees. (Wendelboe, Belk 29: Executive Departments and Administration)
- HB 1307-FN**, relative to review of final proposed rules under the administrative procedures act. (Bruno, Hills 45: Legislative Administration)
- HB 1308-FN**, relative to lobbying activities by state employees. (Bruno, Hills 45: Legislative Administration)
- HB 1309**, relative to noise pollution from shooting ranges. (Bruno, Hills 45: Judiciary)
- HB 1310**, relative to licenses to sell firearms. (Bruno, Hills 45: Criminal Justice and Public Safety)
- HB 1311-FN**, relative to the insurance premium tax. (Camm, Rock 79: Ways and Means)
- HB 1312**, relative to the court's discretion to extend child support obligations. (Bickford, Straf 68: Children and Family Law)
- HB 1313**, relative to establishing a spring season for bear baiting. (Goyette, Hills 66; L. Christiansen, Hills 66: Fish and Game)
- HB 1314**, relative to the taking of deer by crossbow. (Goyette, Hills 66; L. Christiansen, Hills 66; Artz, Hills 64: Fish and Game)
- HB 1315**, relative to the disclosure of the identity of the person filing a report of suspected child abuse. (Boyce, Belk 31; Itse, Rock 80; Balboni, Hills 59; Gilman, Graf 9; Boyce, Dist 4: Children and Family Law)
- HB 1316-FN-A**, relative to the computation of tax on certain telecommunications services under the telecommunications services tax. (Major, Rock 79; D'Allesandro, Dist 20: Ways and Means)
- HB 1317-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of property tax hardship relief provisions. (DiFruscia, Rock 76; Bruno, Hills 45; Weyler, Rock 79; Phinzy, Sull 23: Municipal and County Government)

**HB 1318-FN-A**, relative to a senior care provider program and making an appropriation therefor. (Campbell, Straf 68: Health, Human Services and Elderly Affairs)

**HB 1319**, relative to the percentage of ownership in physician hospital organizations. (Bruno, Hills 45: Commerce)

**HB 1320**, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans. (Kopka, Hills 63: Commerce)

**HB 1321-FN**, relative to claims before the state commission on human rights. (Rogers Johnson, Rock 83: Judiciary)

**HB 1322**, relative to the rules for the operation and regulation of supported residential care facilities. (Elliott, Hills 42: Health, Human Services and Elderly Affairs)

**HB 1323**, relative to the rules for the operation and regulation of residential care facilities. (Elliott, Hills 42: Health, Human Services and Elderly Affairs)

**HB 1324-FN**, authorizing the position of clerk of the board of manufactured housing. (Letourneau, Rock 77; Morse, Dist 22: Executive Departments and Administration)

**HB 1325-FN-A**, relative to the E-Z Pass toll system. (Leber, Merr 35: Public Works and Highways)

**HB 1326**, establishing a study committee to examine the classification of consumer and display fireworks. (L. Christiansen, Hills 66: Criminal Justice and Public Safety)

**HB 1327-FN**, relative to allowing persons to be bonded for search and rescue costs in hiking and climbing in New Hampshire. (L. Christiansen, Hills 66: Fish and Game)

**HB 1328**, requiring the development of a plan for the elimination of county government by the year 2011. (Buckley, Hills 56: Municipal and County Government)

**HB 1329**, relative to the length of time consumer credit reporting agencies retain individual credit information. (Lawrence, Hills 66: Commerce)

**HB 1330**, relative to the investigation of disputed credit reporting items by consumer credit reporting agencies. (Lawrence, Hills 66: Commerce)

**HB 1331**, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. (Lawrence, Hills 66: Municipal and County Government)

**HB 1332**, relative to child support in cases of shared custody. (Lawrence, Hills 66: Children and Family Law)

**HB 1333-L**, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 66: Municipal and County Government)

**HB 1334**, relative to retention of records of fish and game law violations by the fish and game department. (R. L'Heureux, Hills 58; Fletcher, Hills 48; Carlson, Hills 44; Gorman, Hills 62; Marple, Merr 37; Roberge, Dist 9; Gallus, Dist 1; Johnson, Dist 2: Fish and Game)

**HB 1335-L**, relative to workers' compensation requirements for out-of-state employers doing business in New Hampshire. (Gilman, Graf 9: Labor, Industrial and Rehabilitative Services)

**HB 1336**, relative to the procedures for the legislative ethics committee. (Jasper, Hills 66; Wall, Straf 72; O'Hearn, Dist 12; Foster, Dist 13: Legislative Administration)

**HB 1337-FN**, prohibiting any person convicted of an offense against a child from purchasing a residence or entering a rental or lease agreement for rental property in the vicinity of a school. (Itse, Rock 80: Criminal Justice and Public Safety)

**HB 1338**, establishing Patriots Day in New Hampshire. (Itse, Rock 80; Welch, Rock 79; Morris, Rock 84; Cataldo, Straf 68; L. Christiansen, Hills 66; Boyce, Dist 4; Johnson, Dist 2: Executive Departments and Administration)

**HB 1339-FN-A-L**, relative to distribution of tobacco settlement funds. (Barry, Hills 55: Finance)

**HB 1340-FN**, relative to the Informed Consent for Abortion Act. (Hagan, Hills 50; Souza, Hills 51: Judiciary)

**HB 1341-FN**, relative to prohibited computer practices. (Letourneau, Rock 77; Thomas, Belk 31; Wiley, Rock 77; Packard, Rock 75; Boyce, Dist 4: Criminal Justice and Public Safety)

**HB 1342-FN-A-L**, establishing a new system of coinage for the state. (McElroy, Hills 61; Ingbreton, Graf 13; Itse, Rock 80: Commerce)

**HB 1343-FN**, making it a crime to cause the death of a fetus as a result of committing a violent act against a pregnant woman. (Ahern, Belk 29; Woods, Straf 69: Criminal Justice and Public Safety)

**HB 1344-FN-A**, allowing a deduction against the business profits tax for employer-paid health insurance premiums. (Corbin, Rock 79; DiFruscia, Rock 76; Sweeney, Hills 62; Larsen, Dist 15; Estabrook, Dist 21: Ways and Means)

- HB 1345-FN-L**, establishing an education scholarship fund. (Campbell, Straf 68: Education)
- HB 1346**, relative to income qualification in the elderly property tax exemption. (Putnam, Rock 79: Municipal and County Government)
- HB 1347-FN**, implementing a "good time" sentence reduction system for inmates in the state prison system. (Derby, Carr 7; Leach, Hills 42: Criminal Justice and Public Safety)
- HB 1348-FN**, relative to registration of business organizations. (Francoeur, Rock 85; Rogers Johnson, Rock 83; Peterson, Dist 11: Commerce)
- HB 1349-FN-L**, relative to medical parole. (Elliott, Hills 42; Rowe, Hills 47; Mock, Carr 4; J. Pratt, Ches 24; Wall, Straf 72; Estabrook, Dist 21: Criminal Justice and Public Safety)
- HB 1351-FN**, relative to penalties for acts committed during a riot. (Easson, Straf 68; K. Gilbert, Rock 82; Gonzalez, Hills 49; Albert, Straf 67: Criminal Justice and Public Safety)
- HB 1352-FN**, requiring school districts to recommend daily physical activity to pupils. (French, Merr 34; Dalrymple, Rock 76; Pilliod, Belk 31; Langley, Rock 88; Sokol, Graf 17; Miller, Straf 72; Wall, Straf 72; Peterson, Dist 11; Estabrook, Dist 21; O'Hearn, Dist 12; Foster, Dist 13: Education)
- HB 1353-FN**, mandating open enrollment schools statewide. (Campbell, Straf 68: Education)
- HB 1354-FN**, relative to certain tolls on the Everett Turnpike. (Greenberg, Hills 50: Public Works and Highways)
- HB 1355**, changing the name of the sweepstakes commission to the lottery commission. (Weyler, Rock 79; Kurk, Hills 48; D'Allesandro, Dist 20; Barnes, Dist 17: Executive Departments and Administration)
- HB 1356-FN-A-L**, assessing a fee on water withdrawn for commercial bottling purposes from water supply sources in the state. (M. Carter, Hills 44; Ross, Hills 44: Ways and Means)
- HB 1357**, relative to cluster zoning and the village plan alternative. (Ahern, Belk 29; Newton, Straf 67: Municipal and County Government)
- HB 1358-FN**, requiring municipal auditors to be bonded, and relative to audits within political subdivisions. (Marple, Merr 37; Goyette, Hills 66: Municipal and County Government)
- HB 1359-FN-L**, relative to notice requirements for public hearings on certain zoning changes. (Scott, Straf 71; Giuda, Graf 13; Twombly, Straf 67; Newton, Straf 67; M. Cooney, Graf 15; Kenney, Dist 3; Gallus, Dist 1: Municipal and County Government)
- HB 1360-FN**, including "unborn child" in the definition of "another" for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 51; Hagan, Hills 50; Brady, Coos 2; Giuda, Graf 13; Flayhan, Rock 80; Kerns, Hills 57; Roberge, Dist 9; Martel, Dist 18; Boyce, Dist 4: Criminal Justice and Public Safety)
- HB 1361**, relative to sentences for certain offenses committed on or near a public college or university campus. (M. Smith, Straf 72; D. Eaton, Ches 24; Knowles, Straf 69; Naro, Graf 15; Estabrook, Dist 21: Criminal Justice and Public Safety)
- HB 1362**, relative to state representative districts in Grafton county. (Alger, Graf 14; Gilman, Graf 9; Johnson, Dist 2: Election Law)
- HB 1363**, establishing a policy for naming state highways, bridges, and buildings. (Cloutier, Sull 22; Pilliod, Belk 31: Public Works and Highways)
- HB 1364-FN**, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. (Dodge, Rock 80; Rogers Johnson, Rock 83; Weyler, Rock 79; Green, Dist 6: Executive Departments and Administration)
- HB 1365-FN**, relative to protecting hearing ear dogs, guide dogs, and service dogs. (Fish, Ches 25; Leach, Hills 42; Dumaine, Rock 75; Leber, Merr 35; Solomon, Graf 17: Health, Human Services and Elderly Affairs)
- HB 1366**, relative to penalties for violation of protective orders. (DiFruscia, Rock 76; Phinizy, Sull 23; Weyler, Rock 79: Criminal Justice and Public Safety)
- HB 1367**, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Hopper, Hills 48; Bruno, Hills 45; Cady, Rock 73; Soltani, Merr 37; Boyce, Belk 31: Criminal Justice and Public Safety)
- HB 1368**, establishing a committee to study means of interdicting and preventing the distribution of controlled substances in New Hampshire. (Hinkle, Hills 58; Gibson, Hills 58; Nutter, Merr 37; Jasper, Hills 66; Beaton, Hills 49; Roberge, Dist 9; O'Hearn, Dist 12: Criminal Justice and Public Safety)
- HB 1369**, relative to state representative district 67. (Heon, Straf 67; Berube, Straf 67; Snyder, Straf 67; Rollo, Straf 67; Twombly, Straf 67; Green, Dist 6; Kenney, Dist 3; Estabrook, Dist 21: Election Law)

- HB 1370**, establishing a committee to study property tax relief for low-income and elderly persons. (Gibson, Hills 58; Brady, Coos 2; Holden, Hills 48; Gallus, Dist 1: Ways and Means)
- HB 1371-FN**, prohibiting the sale or possession of pocket knives in safe school zones. (Heon, Straf 67; Twombly, Straf 67; Green, Dist 6: Criminal Justice and Public Safety)
- HB 1372**, defining certain terms relating to military service. (Heon, Straf 67; McCann, Rock 84; Headd, Rock 75; Graham, Hills 57; Coughlin, Hills 45; Kenney, Dist 3; Green, Dist 6: State-Federal Relations and Veterans Affairs)
- HB 1373**, relative to Grafton county representative districts. (Gilman, Graf 9: Election Law)
- HB 1374**, relative to lightning protection systems. (Giuda, Graf 13; Welch, Rock 79: Commerce)
- HB 1375**, relative to powers of conservation commissions. (Spang, Straf 72; Ahern, Belk 29; Babson, Carr 6; Cohen, Dist 24: Municipal and County Government)
- HB 1376**, relative to agency fees assessed pursuant to collective bargaining agreements and representation of certain employees in grievances. (Giuda, Graf 13; Arnold, Hills 46; Boyce, Dist 4: Labor, Industrial and Rehabilitative Services)
- HB 1377-L**, relative to the repeal of municipal ordinances by petition. (Scott, Straf 71; Twombly, Straf 67; Newton, Straf 67; Giuda, Graf 13; M. Cooney, Graf 15; Kenney, Dist 3, Gallus, Dist 1: Municipal and County Government)
- HB 1378-FN-A**, relative to New Hampshire service medals for veterans of World War II, the Korean Conflict, and the Vietnam Conflict and making an appropriation therefor. (Pepino, Hills 51; Burling, Sull 19; Milligan, Hills 58; Mercer, Hills 59; Barnes, Dist 17; Larsen, Dist 15; Kenney, Dist 3: State-Federal Relations and Veterans Affairs)
- HB 1379**, relative to boating on certain lakes and ponds by disabled persons. (Patten, Carr 7; Hatch, Carr 7; Stevens, Carr 7; Kenney, Dist 3: Resources, Recreation and Development)
- HB 1380-FN**, establishing a criminal penalty for unauthorized video surveillance. (O'Brien, Hills 43; Elliott, Hills 42; Dionne, Hills 42; Mock, Carr 4; J. Allen, Belk 31, Estabrook, Dist 21: Criminal Justice and Public Safety)
- HB 1381**, relative to the rights of citizens. (Marple, Merr 37; Itse, Rock 80; Ingbreton, Graf 13; Goyette, Hills 66; L. Christiansen, Hills 66; McElroy, Hills 61: Judiciary)
- HB 1382**, relative to liens filed with public servants. (Marple, Merr 37; Buhlman, Hills 66; Itse, Rock 80; Ingbreton, Graf 13; Goyette, Hills 66, McElroy, Hills 61, L. Christiansen, Hills 66: Commerce)
- HB 1383**, relative to full faith and credit in judicial proceedings. (Marple, Merr 37; Itse, Rock 80; Ingbreton, Graf 13; Goyette, Hills 66; L. Christiansen, Hills 66, McElroy, Hills 61: Judiciary)
- HB 1384**, relative to challenges to statutes. (Marple, Merr 37; Itse, Rock 80; Ingbreton, Graf 13; Gibson, Hills 58; L. Christiansen, Hills 66, McElroy, Hills 61, Gilman, Graf 9: Judiciary)
- HB 1385**, establishing the protection of liberty act. (Itse, Rock 80; Weyler, Rock 79; Morris, Rock 84; Welch, Rock 79, Bruno, Hills 45, Soltani, Merr 37, Hagan, Hills 50, Scott, Straf 71, Dudley, Graf 18, Marple, Merr 37, Luebker, Hills 54, Bicknell, Rock 73, McElroy, Hills 61, P. Woods, Straf 69, Goyette, Hills 66, L. Christiansen, Hills 66, P. Harrington, Hills 60, M. Harrington Straf 68; Odell, Dist 8: Criminal Justice and Public Safety)
- HB 1386**, relative to participation by nonresident taxpayers in town meetings. (Ahern, Belk 29: Municipal and County Government)
- HB 1387-FN-A**, reducing the rate of the business enterprise tax. (Brady, Coos 2; Holden, Hills 48; Gibson, Hills 58; Itse, Rock 80; Gallus, Dist 1; Sapareto, Dist 19: Ways and Means)
- HB 1388-FN-A**, reducing the rate of the business profits tax. (Brady, Coos 2; Holden, Hills 48; Gibson, Hills 58; Itse, Rock 80; Gallus, Dist 1: Ways and Means)
- HB 1389**, relative to appearances and representation in courts. (Ingbreton, Graf 13; Goyette, Hills 66; Ober, Hills 66; Cady, Rock 73; Nutter, Merr 37: Judiciary)
- HB 1390**, relative to MTBE. (Owen, Merr 34; Phinzy, Sull 23: Science, Technology and Energy)
- HB 1391-FN**, relative to motor vehicle violations. (Kennedy, Merr 34; Wendelboe, Belk 29: Criminal Justice and Public Safety)
- HJR 20**, supporting President Bush's hydrogen fuel initiative. (Kerns, Hills 57: Science, Technology and Energy)
- HJR 21**, urging New Hampshire businesses to consider alternative fuel options to oil. (Kerns, Hills 57: Science, Technology and Energy)
- HJR 22**, concerning foliage protection. (Kerns, Hills 57: Resources, Recreation and Development)

- HJR 23**, relative to the process for choosing United States Senators. (Itse, Rock 80; Marple, Merr 37; Ingbreton, Graf 13; Goyette, Hills 66; Welch, Rock 79: Election Law)
- HJR 24**, concerning misdemeanors and probable cause. (Kerns, Hills 57: Criminal Justice and Public Safety)
- HCR 20**, affirming civil rights and liberties and opposing federal measures that infringe on such rights and liberties. (Pelletier, Straf 71; M. Harrington, Straf 68: State-Federal Relations and Veterans Affairs)
- HCR 21**, urging the reduction of the federal gasoline and diesel fuel excise tax. (Buhlman, Hills 66; Slocum, Hills 47, Theberge, Coos 3: State-Federal Relations and Veterans Affairs)
- HCR 22**, urging Congress to withdraw the United States from the United Nations. (Albert, Straf 67; Gibson, Hills 58; Quandt, Rock 83; Easson, Straf 68; Hawkins, Hills 57, Souza, Hills 51, Boyce, Belk 31, Gilman, Graf 9, Itse, Rock 80, Bicknell, Rock, 73, McElroy, Hills 61, McCann, Rock 84, Marple, Merr 37, Maybeck Graf 16, Gionet, Graf 11, Hopper, Hills 48, Hagan, Hills 50; Green, Dist 6; Boyce, Dist 4; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)
- HCR 23**, on non-citizens during times of war. (Kerns, Hills 57: Criminal Justice and Public Safety)
- HCR 24**, urging the state to include individual development accounts in the Temporary Aid to Needy Families (TANF) program. (P. Sullivan, Hills 50: Commerce)
- HR 20**, supporting Taiwan's participation in the World Health Organization. (Hess, Merr 37; Mock, Carr 4: State-Federal Relations and Veterans Affairs)
- HR 21**, reaffirming the death penalty. (Kerns, Hills 57: Criminal Justice and Public Safety)
- HR 22**, relative to fathers' rights. (Kerns, Hills 57; Souza, Hills 51: Children and Family Law)
- HR 23**, urging the President and Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from United States military service. (P. Sullivan, Hills 50, Crane, Hills 59: State-Federal Relations and Veterans Affairs)
- HR 24**, opposing the exploration for oil in the Arctic National Wildlife Refuge. (P. Sullivan, Hills 50: State-Federal Relations and Veterans Affairs)
- CACR 20**, relating to the conservation of the gravel and water resources of the state. Providing that the general court may provide for special assessments, rates and taxes on gravel and water extracted from the resources of the state. (Cady, Rock 73; Kennedy, Merr 34: Ways and Means)
- CACR 21**, relating to state education property tax exemption for certain disabled veterans. Providing that veterans with certain service connected disabilities shall be exempt from the state education property tax. (Easson, Straf 68; Albert, Straf 67: Ways and Means)
- CACR 22**, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. (Bicknell, Rock 73; Alger, Graf 14; Balboni, Hills 59; Ingbreton, Graf 13; Weyler, Rock 79, Itse, Rock 80, M. Harrington, Straf 68, Mock, Carr 4; Boyce, Dist 4; Barnes, Dist 17; Prescott, Dist 23: Ways and Means)
- CACR 23**, relating to oaths of civil officers. Providing that all officers, department heads in the executive branch, and town officers shall take an oath before executing the duties of their office. (L. Christiansen, Hills 66; Gibson, Hills 58; Marple, Merr 37: Judiciary)
- CACR 24**, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. (DiFruscia, Rock 76; Bruno, Hills 45; Weyler, Rock 79: Legislative Administration)
- CACR 25**, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. (Balboni, Hills 59; Giuda, Graf 13; Itse, Rock 80; Boyce, Dist 4; Roberge, Dist 9: Ways and Means)
- CACR 26**, relating to the apportionment of representatives. Providing that representation in the house of representatives shall be as equal as one person, one vote, as defined by certain federal courts will permit. (Alger, Graf 14; Phinzy, Sull 23; Dickinson, Carr 4; Weyler, Rock 79; Johnson, Dist 2: Election Law)

## RECESS

(Speaker Chandler in the Chair)

## COMMITTEE ASSIGNMENTS

Rep. David N. Scott on Education.

Rep. Elbert I. Bicknell on Legislative Administration.

## RECESS

**(Rep. MacKay in the Chair)****RESOLUTION**

Rep. Hess offered the following: **RESOLVED**, that the late drafting and filing having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1392 through 1399, and 1401 through 1403 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SUPPLEMENTAL HOUSE BILLS****First, second reading and referral**

**HB 1392**, relative to preapplication review of projects submitted to a local planning board. (Cady, Rock. 73; Bicknell, Rock. 73: Municipal and County Government)

**HB 1393**, relative to the appeal of the lower court's decision in a child protection case. (Rowe, Hills. 47: Children and Family Law)

**HB 1394**, relative to de novo appeals in certain criminal proceedings. (Rowe, Hills. 47: Judiciary)

**HB 1395**, relative to representation by the county attorney in county matters. (Slocum, Hills 47; Wendelboe, Belk 29; Hawkins, Hills 57; Luebker, Hills 54; Boyce, Dist 4; Roberge, Dist. 9: Municipal and County Government)

**HB 1396**, relative to implementing a bottle deposit program. (Owen, Merr 34; P. Allen, Ches 27; Rous, Straf 72; Coes, Rock 82: Commerce)

**HB 1397**, relative to youth suicide prevention. (Dalrymple, Rock 76; Price, Hills 64; Sweeney, Hills 62: Health, Human Services and Elderly Affairs)

**HB 1398-FN-L**, relative to relief and maintenance provided to certain non-residents. (Brundige, Hills 58; N. Johnson, Straf 68; O'Hearn, Dist 12: Municipal and County Government)

**HB 1399-FN-A**, establishing the telecommunications planning and development fund. (Thomas, Belk 31: Science, Technology and Energy)

**HB 1401-FN**, limiting the use of traffic signal preemption devices. (Bridle, Rock 85; S. L'Heureux, Merr 37: Transportation)

**HB 1402-FN-A**, requiring a discount to wholesalers on cash purchases of tobacco tax stamps. (Weyler, Rock 79: Ways and Means)

**HB 1403**, extending the reporting dates of certain study committees. (Francoeur, Rock 85: Legislative Administration)

**RECESS****(Speaker Chandler in the Chair)****COMMITTEE ASSIGNMENTS**

Rep. Janet F. Allen on Election Law.

Rep. Sharon M. Carson on Labor, Industrial and Rehabilitative Services.

Rep. Corey E. Corbin off Labor, Industrial and Rehabilitative Services, on Election Law.

Rep. Mary Ellen Martin on Municipal and County Government.

Rep. Stephen T. Michon on State-Federal Relations and Veterans Affairs.

**RECESS****(Speaker Chandler in the Chair)**

The Speaker called the recessed session of September 4, 2003 to order at 10:00 a.m. on Wednesday, January 7, 2004 and declared a quorum present.

**COMMUNICATIONS**

October 22, 2003

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 65, Stephen Michon, d, Nashua (1 Anders Lane) 03060

William M. Gardner, Secretary of State



December 17, 2003

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 64, Mary Ellen T. Martin, d, Nashua (5 Lone Star Drive) 03062

William M. Gardner, Secretary of State

### COMMUNICATIONS

Speaker Gene Chandler

After numerous long discussions with my family, we have decided to move from Derry, the town which I represent in the House of Representatives. Therefore, please accept this as my official resignation to be effective at the close of the business day on Thursday, September 4, 2003.

I wish all my colleagues continued success and look forward to working with them in some capacity in the future.

Roland L. Dupuis, Rock 77

Speaker Gene G. Chandler

Regretfully, Mr. Speaker, I must tender my resignation as a State Representative for Merrimack County, District 34, effective September 18, 2003.

It has been my sincere honor to have served as a representative over the past several years and to have represented the good people of Bradford, Henniker, Hopkinton, Newbury, Sutton, Warner and Webster. However, a wonderful and challenging opportunity has been presented to me and I have accepted an appointment as County Commissioner for Merrimack County, Third District. I look forward to that commitment and the opportunity to serve an even larger constituency.

Thank you for your friendship and leadership. My experience in the House only enhances my confidence in assuming a different responsibility on behalf of our Great State, and I leave my position knowing that New Hampshire citizens are in the good hands of a hardworking and dedicated legislative body.

My best to you and the entire membership of the House.

J. D. Colcord, Merr 34

Speaker Gene G. Chandler

Due to reasons beyond my control I must resign my seat as a member of the New Hampshire House of Representatives effective on October 10, 2003.

I wish to thank the citizens of Franklin and Hill for granting me the opportunity to have served them in this capacity. I must tell you that serving in the New Hampshire House has truly been one of the most rewarding experiences of my life. I will always continue praying for the People of this great State, that God's will be accomplished, for the restoration and salvation of all his children.

Robert Ouellette, Merr 33

Speaker Gene G. Chandler

As of November 7, 2003, I hereby resign this honorable position of State Representative, District 82; Newfields and Newmarket. It is a sad day for me. However, I must do this. My family and I sold our home in Newmarket in late October. As I transition into my new residence and leave District 82, I wanted to do the right thing for the voters in Newfields and Newmarket.

I want to thank my fellow Democrats, my Committee, the Municipal and County Government Committee, with Chairperson Patten, and the many Republican friends that have helped me be a better State Representative.

Thank you Speaker, for a great job. I am very grateful that I was a State Representative under your direction.

Bob Davidson, Rock 82

The Speaker accepted the resignations with regret.

### RESOLUTION

Rep. Hess offered the following: RESOLVED, the late filing and drafting having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1404 through 1419 and House Concurrent Resolution numbered 25 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SUPPLEMENTAL HOUSE BILLS and HCR

### First, second reading and referral

**HB 1404**, prohibiting the release of information by university of New Hampshire officials in cases where students have contact with university of New Hampshire police. (Kerns, Hills 57: Executive Departments and Administration)

**HB 1405-L**, relative to requiring municipalities to use official ballot voting procedures for bond issues. (Dodge, Rock 80; Weare, Rock 84; Itse, Rock 80; Barnes, Dist 17; Gatsas, Dist 16; Green, Dist 6: Municipal and County Government)

**HB 1406**, relative to the regulation of physician assistants. (Fraser, Merr 37: Executive Departments and Administration)

**HB 1407**, granting limited law enforcement authority to certain federal officers stationed in New Hampshire. (Craig, Hills 50; Knowles, Straf 69; J. Pratt, Ches 24; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 1408-FN**, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts. (Weyler, Rock 79; Hughes, Rock 88; N. Johnson, Straf 68; Giuda, Graf 13; Quandt, Rock 83; Barnes, Dist 17; Below, Dist 5; Gatsas, Dist 16; Roberge, Dist 9: Commerce)

**HB 1409**, relative to the disclosure of protected health information by court ordered service providers. (Gilman, Graf 9; Morris, Rock 84: Commerce)

**HB 1410**, relative to terminating parental rights. (Gilman, Graf 9; Morris, Rock 84: Children and Family Law)

**HB 1411-FN-A**, relative to funding state science laboratories and making an appropriation therefor. (Weyler, Rock 79; Dodge, Rock 80; Graham, Hills 57; M. Smith, Straf 72; Morse, Dist 22; Clegg, Dist 14: Public Works and Highways)

**HB 1412**, relative to college and university recognition of student organizations and athletic teams. (Jasper, Hills 66: Education)

**HB 1413**, relative to the creation of mandatory screening panels for medical injury claims. (Francoeur, Rock 85; MacKay, Merr 39; Haytayan, Hills 46; Clegg, Dist 14; Prescott, Dist 23; Peterson, Dist 11: Judiciary)

**HB 1414**, establishing a commission to study issues regarding the women's prison facility. (Welch, Rock 79; K. Gilbert, Rock 82; Knowles, Straf 69; Movsesian, Hills 60; Stevens, Carr 7; Barnes, Dist 17: Criminal Justice and Public Safety)

**HB 1415**, relative to de facto child custody. (Cady, Rock 73; Barnes, Dist 17; Boyce, Dist 4: Children and Family Law)

**HB 1416-FN**, relative to a permanent property tax exemption for wooden poles and conduits. (Hess, Merr 37; Thomas, Belk 31; Roessner, Rock 83; DeStefano, Merr 41; D'Allesandro, Dist 20; Odell, Dist 8; Boyce, Dist 4: Ways and Means)

**HB 1417**, relative to examination of persons called as jurors in civil cases. (J. Pratt, Ches 24; Elliott, Hills 42; Foster, Dist 13: Judiciary)

**HB 1418-FN**, establishing a procedure for state employees to report suspected improper governmental activity. (Gilman, Graf 9; Gibson, Hills 58; Weyler, Rock 79; Morris, Rock 84; Kenney, Dist 3; Gallus, Dist 1; Martel, Dist 18: Executive Departments and Administration)

**HB 1419**, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services. (Gorman, Hills 62; D. Cote, Hills 62; Schulze, Hills 65; Dalrymple, Rock 76; Clemons, Hills 62: Executive Departments and Administration)

**HCR 25**, declaring that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. (Pepino, Hills 51; Giuda, Graf 13; Soltani, Merr 37; Barnes, Dist 17; Johnson, Dist 2; Kenney, Dist 3: Ways and Means)

### MOTION TO VACATE

Rep. Hunt moved that the House vacate the reference of **HB 1143**, relative to legislators temporarily serving as county commissioners, to the Committee on Commerce.

Motion adopted.

The Speaker referred **HB 1143** to the Committee on Municipal and County Government.

**GOVERNOR'S VETO MESSAGE ON HB 60**

May 14, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 60, an Act changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

I have vetoed this bill only because I object to its last section, which limits the exemption from the provisions of RSA 541-A granted by current law for rules pertaining to marine species managed under the Atlantic States Marine Fisheries Compact. As far as I can tell, the current exemption has generated no problems, and the limitation proposed by H.B. 60 is neither necessary nor warranted. Until there is significant reform of the rulemaking process as currently implemented under RSA 541-A, I am hesitant to extend, even slightly, the rulemaking to which that statute applies. Where as here, the current exemption seems to be working well, there is no reason to limit it.

There has been no claim by anyone that the Department has abused the current exemption or passed rules under the exemption that overstep the authority delegated to the Department by the General Court. Even if I had no concerns about the implementation of RSA 541-A, I would object to the last section H.B. 60 as a solution in search of a problem. The change to the rulemaking exemption proposed in H.B. 60 was not initiated by the Advisory Committee on Shore Fisheries, by the Fish and Game Department, by the commercial fishermen subject to rules passed by the department under the exemption, or by any environmental group. The change was initiated by the Joint Legislative Committee on Administrative Rules.

Since becoming Governor, I have heard from a wide variety of sources, including agency heads, the Attorney General, members of the public and members of the General Court that the rule-making process is in serious need of revision. The fact that administrative agencies should be able to move more nimbly and quickly in adopting detailed rules than can the General Court in adopting legislation, is one of the advantages of rules over statutes and presumably one of the reasons why the legislature has delegated rulemaking power to agencies. This advantage has been deeply eroded by the fact that the process for adopting rules has become in many instances more complex, time-consuming and burdensome than the process for passing legislation.

Another reason why the General Court delegates administrative rulemaking power is to allow an administrative agency with significant expertise in a particular regulatory area to craft regulations within a set legislative mandate. In delegating this power, the legislature has correctly required that agencies seek public input, and follow an orderly and open process in creating rules. At the end of that process, legislative involvement appropriately includes oversight to assure that the rules do not exceed the original legislative intent or the scope of the delegation of authority and includes suggestions on non-substantive drafting issues. My concern stems from the increasing complexity of the process and my belief that substantive decisions made after full public input by the administrative departments to which the legislature has entrusted them, and legal judgments which are properly under the jurisdiction of the Attorney General should not be second-guessed or interfered with during the legislative oversight portion of the rulemaking process. When we ask our agencies to cut unnecessary red tape and to make their procedures as friendly to the public as possible, we should not make the agency, in adopting its own rules, jump through unnecessary bureaucratic hurdles and subject the agency to overly complex and cumbersome process.

I know that many legislators share the view that has been expressed to me by the Attorney General, numerous department heads and members of the public that the rulemaking process must be governed not only by a desire for due process and public input, but also by common sense and good judgment. While I believe in appropriate legislative oversight of the administrative rulemaking process, I am concerned that the RSA 541-A rulemaking process for executive branch agencies is becoming increasingly cumbersome and unnecessarily complex. Legislative red tape during the rulemaking process leads to administrative red tape that defies common sense and disservices the public. The legislative procedures implementing RSA 541-A need to be reformed. Until that happens, I strongly will consider a veto of any bill that extends the reach of RSA 541-A or limits an existing exemption. Because H.B. 60 limits a current exemption from the RSA 541-A rulemaking process, I have vetoed it.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 60**, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 159 NAYS 181

### YEAS 159

#### BELKNAP

Bartlett, Gordon  
Lafiam, Robert

Boyce, Laurie  
Nedeau, Stephen

Fitzgerald, James  
Pilliod, James

Flanders, Donald

#### CARROLL

Stevens, Stanley

### CHESHIRE

Allen, Peter  
Fish, Douglas  
Parkhurst, Henry  
Robertson, Timothy  
Weed, Charles

Dunn, James  
Manning, Joseph  
Pratt, Irene  
Slack, Pamela

Eaton, Daniel  
Meador, David  
Pratt, John  
Tilton, Anna

Espiefs, Peter  
Mitchell, McKim  
Richardson, Barbara  
Webber, Amy

### COOS

King, Frederick

Mears, Edgar

Pratt, Leighton

Theberge, Robert

#### GRAFTON

Akins, Ralph  
Densmore, Edward  
Nordgren, Sharon

Benn, Bernard  
Diamond, Estelle  
Scovner, Nancy

Bleyler, Ruth  
Eaton, Stephanie  
Sokol, Hilda

Cooney, Mary  
Hammond, Lee  
Solomon, Peter

### HILLSBOROUGH

Artz, Lawrence  
Cail, Kenneth  
Cote, David  
Drisko, Richard  
Gorman, Mary  
Haytayan, Harry Jr  
Katsiantonis, Thomas  
Lasky, Bette  
McDonough-Wallace, Alice  
Pappas, Christopher  
Shaw, Barbara  
Sweeney, Cynthia

Bergin, Peter  
Carlson, Donald  
Cote, Peter  
Emerton, Larry  
Graham, John  
Irwin, Anne-Marie  
Kopka, Angeline  
Leach, Edward  
Mercer, Robert  
Pepino, Leo  
Spiess, Paul  
Tate, Joan

Brassard, Paul  
Carter, Mark  
Craig, James  
Gargas, Carolyn  
Haley, Robert  
Jean, Claudette  
L'Heureux, Robert  
Malloy, Chris  
Michon, Stephen  
Pilotte, Maurice  
Sullivan, Francis

Buckley, Raymond  
Clemons, Jane  
Dokmo, Cynthia  
Gibson, John  
Hall, Charles  
Johnson, Lionel  
LaFlamme, Paul  
Martin, Mary Ellen  
Movsesian, Lori  
Schulze, Joan  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
DeJoie, John  
Hess, David  
Osborne, Jessie  
Rush, Deanna

Brueggemann, Donald  
DeStefano, Stephen  
Jacobson, Alf  
Owen, Derek  
Seldin, Gloria

Clarke, Claire  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Soltani, Tony

Davis, Frank  
Gile, Mary  
Maxfield, Roy  
Reed, Dennis  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Corbin, Corey  
Francoeur, Sheila  
Holland, James Jr  
McKinney, Betsy  
Tufts, J Arthur

Casey, Kimberley  
Duffy, James  
Gillick, Thomas  
Langone, John  
Norelli, Terie  
Vallone, Matthew

Coes, Betsy  
Dumaine, Dudley  
Gould, Kenneth  
Manning, John  
Shultis, Elizabeth

Cooney, Richard  
Flanders, John Sr  
Hamel, Albert  
McEachern, Paul  
Splaine, James

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Heon, Richard  
Knowles, William  
Rous, Emma  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Taylor, Kathleen

Creteau, Irene  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Twombly, James

**SULLIVAN**

Allison, David  
Ferland, Brenda

Burling, Peter  
Franklin, Peter

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Phinizy, James

**NAYS 181****BELKNAP**

Ahern, Omer Jr  
Holbrook, Robert  
Thomas, John

Allen, Janet  
Lawton, David  
Whalley, Michael

Clark, Charles  
Rice, Thomas

Dewhirst, Glenn  
Russell, David

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Merrrow, Harry  
Philbrick, Donald

**CHESHIRE**

Dexter, Judson  
Royce, H Charles

Hunt, John  
Smith, Edwin

Laurent, John

Liebl, George

**COOS**

Brady, Mark  
Woodward, David

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Maybeck, Margie

Barker, Robert  
Gionet, Edmond  
Naro, Debra

Dorsett, Andrew  
Giuda, Robert  
Sorg, Gregory

Dudley, Terri  
Ingbretson, Paul  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Carter, Jeffrey  
Christiansen, Lars  
Elliott, Larry  
Greenberg, Gary  
Hawkins, Ken  
Infantine, William  
Luebker, Bernard  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen

Allan, Nelson  
Barry, J Gail  
Brundige, Robert  
Cernota, Albert  
Coughlin, Pamela  
Fields, Dennis  
Hagan, Barbara  
Hinkle, Peyton  
Jasper, Shawn  
McElroy, Henry Jr  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

Allen, Timothy  
Batula, Peter  
Bruno, Pierre  
Chabot, Robert  
Crane, Elenore Casey  
Fletcher, Richard  
Hallyburton, Margaret  
Holden, Randolph  
Kurk, Neal  
McHugh, Claire  
Mosher, William  
Price, Pamela  
Scanlon, Michael  
Vaillancourt, Steve

Arnold, Thomas Jr  
Beaton, William  
Buhlman, David  
Christensen, D L Chris  
Dionne, Kimberley  
Goyette, Peter Jr  
Harrington, Paul  
Hopper, Gary  
Lafamme, Charles  
Messier, Irene  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Wheeler, James

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Kennedy, Richard  
MacKay, James

Blanchard, Elizabeth  
Field, William  
L'Heureux, Stephen  
McCormick, Tom

Currier, David  
Foley, Albert  
Langer, Ray  
Nutter, Edward

Daniels, Eric  
Fraser, Leo Jr  
Leber, William

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Clark, Vivian	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Fesh, Bob	Gilbert, Jeffrey	Gilbert, Karl	Griffin, Mary
Headd, James	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McCann, Richard	McMahon, Charles	Moore, Benjamin	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Matthew	Rausch, James	Robertson, Carl	Roessner, Kurt
Ruffner, Walter	Smith, Donald	Smith, Paul	Stone, Joseph
Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

**STRAFFORD**

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Newton, Clifford	Scott, David
Woods, Phyllis			

**SULLIVAN**

Flint, Gordon Sr	Jones, Constance	Rodeschin, Beverly
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and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 164**

June 17, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 164, an Act increasing the gross premium tax on insurance provided by certain unlicensed companies.

H.B. 164 raises the premium tax paid by certain companies from 2% to 3%. I have made it clear that I will veto any bill that comes to my desk that raises taxes. The people of the State have made it clear that government should live within its means without increasing taxes. I have made a commitment to honor their mandate.

One justification offered for the tax increase contained in H.B. 164 is that it will bring the tax into line with neighboring states. If we were to follow that logic, we would adopt a sales and income tax and would suffer, like our neighbors, some of the highest taxes in the country. This is not the New Hampshire way.

Another argument made in favor of the tax increase contained in H.B. 164 is that it only affects out-of-state companies. This argument is unpersuasive because premium taxes are inevitably passed on to New Hampshire consumers.

Because this bill increases taxes, I have vetoed it.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

**YEAS 65 NAYS 277****YEAS 65****BELKNAP****CARROLL**

Bartlett, Gordon	Pilliod, James
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None

**CHESHIRE**

Espiefs, Peter  
Mitchell, McKim  
Robertson, Timothy

Hunt, John  
Pratt, Irene  
Weed, Charles

Manning, Joseph  
Pratt, John

Meador, David  
Richardson, Barbara

**COOS**

None

**GRAFTON**

Densmore, Edward

Diamond, Estelle

Hammond, Lee

Sokol, Hilda

**HILLSBOROUGH**

Bergin, Peter  
Drisko, Richard  
Hallyburton, Margaret  
Malloy, Chris  
Pilotte, Maurice

Cail, Kenneth  
Gargas, Carolyn  
Katsiantonis, Thomas  
McDonough-Wallace, Alice  
Spiess, Paul

Carter, Mark  
Graham, John  
Kopka, Angeline  
Messier, Irene  
Sweeney, Cynthia

Dokmo, Cynthia  
Hall, Charles  
Leach, Edward  
Pappas, Christopher  
Vaillancourt, Steve

**MERRIMACK**

Brueggemann, Donald

Jacobson, Alf

Lockwood, Priscilla

Wallner, Mary Jane

**ROCKINGHAM**

Clark, Vivian  
Gould, Kenneth  
Waterhouse, Kevin

Cooney, Richard  
Langone, John  
Weare, E Albert

Flanders, John Sr  
Major, Norman

Gillick, Thomas  
Stone, Joseph

**STRAFFORD**

Bickford, David  
Kaen, Naida  
Taylor, Kathleen

Brown, Julie  
Miller, Joseph  
Vachon, Dennis

Dunlap, Patricia  
Musler, George

Johnson, Nancy  
Rous, Emma

**SULLIVAN**

Cloutier, John  
Rodeschin, Beverly

Donovan, Thomas

Franklin, Peter

Leone, Richard

**NAYS 277****BELKNAP**

Ahern, Omer Jr  
Dewhirst, Glenn  
Laflam, Robert  
Russell, David

Allen, Janet  
Fitzgerald, James  
Lawton, David  
Thomas, John

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Whalley, Michael

Clark, Charles  
Holbrook, Robert  
Rice, Thomas

**CARROLL**

Babson, David Jr  
Hatch, Paul  
Mock, Henry  
Stevens, Stanley

Brown, Carolyn  
Kenney, Bettie  
Olimpio, J Lisbeth

Derby, Mark  
McConkey, Mark  
Patten, Betsey

Dickinson, Howard  
Morrow, Harry  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Fish, Douglas  
Royce, H Charles  
Webber, Amy

Dexter, Judson  
Laurent, John  
Slack, Pamela

Dunn, James  
Liebl, George  
Smith, Edwin

Eaton, Daniel  
Parkhurst, Henry  
Tilton, Anna

**COOS**

Brady, Mark  
Richardson, Herbert  
Woodward, David

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth

Alger, John  
Cooney, Mary

Barker, Robert  
Dorsett, Andrew

Benn, Bernard  
Dudley, Terri

Eaton, Stephanie  
Ingbreton, Paul  
Scovner, Nancy

Gilman, G Michael  
Maybeck, Margie  
Solomon, Peter

Gionet, Edmond  
Naro, Debra  
Sorg, Gregory

Giuda, Robert  
Nordgren, Sharon  
Williams, Burton

### HILLSBOROUGH

Adams, Jarvis  
Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Carter, Jeffrey  
Christiansen, Lars  
Coughlin, Pamela  
Elliott, Larry  
Gibson, John  
Hagan, Barbara  
Hawkins, Ken  
Hopper, Gary  
Jean, Claudette  
Laflamme, Charles  
Martin, Mary Ellen  
Michon, Stephen  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Slocum, Lee  
Sullivan, Peter

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Buckley, Raymond  
Cernota, Albert  
Clemons, Jane  
Craig, James  
Emerton, Larry  
Gorman, Mary  
Haley, Robert  
Haytayan, Harry Jr  
Infantine, William  
Johnson, Lionel  
LaFlamme, Paul  
McElroy, Henry Jr  
Mooney, Maureen  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Souza, Kathleen  
Tate, Joan

Allen, Timothy  
Barry, J Gail  
Brassard, Paul  
Buhlman, David  
Chabot, Robert  
Cote, David  
Crane, Elenore Casey  
Fields, Dennis  
Goyette, Peter Jr  
Hansen, Ryan  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kurk, Neal  
Lasky, Bette  
McHugh, Claire  
Moran, Edward  
Ober, Russell III  
Reeves, Sandra  
Schulze, Joan  
Stepanek, Stephen  
Wheeler, James

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Fletcher, Richard  
Greenberg, Gary  
Harrington, Paul  
Holden, Randolph  
Jasper, Shawn  
L'Heureux, Robert  
Luebker, Bernard  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Shaw, Barbara  
Sullivan, Francis

### MERRIMACK

Anderson, Eric  
Currier, David  
DeStefano, Stephen  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Osborne, Jessie  
Rush, Deanna

Blanchard, Elizabeth  
Daniels, Eric  
Dunne, Christopher  
French, Barbara  
L'Heureux, Stephen  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria

Bouchard, Candace  
Davis, Frank  
Field, William  
Gile, Mary  
Langer, Ray  
McCormick, Tom  
Potter, Frances  
Soltani, Tony

Clarke, Claire  
DeJoie, John  
Foley, Albert  
Hess, David  
Leber, William  
Nutter, Edward  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Blanchard, MaryAnn  
Carson, Sharon  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Karl  
Holland, James Jr  
Introne, Robert  
Katsakiores, Phyllis  
Manning, John  
McMahon, Charles  
Noyes, Richard  
Quandt, Matthew  
Ruffner, Walter  
Splaine, James  
Welch, David  
Winchell, George

Belanger, Ronald  
Bridle, Russell  
Casey, Kimberley  
Dearborn, Bruce  
Fesh, Bob  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
McCann, Richard  
Moore, Benjamin  
O'Neil, Michael  
Rausch, James  
Shultis, Elizabeth  
Tufts, J Arthur  
Weldy, Norman Jr  
Zolla, William

Bicknell, Elbert  
Cady, Harriet  
Coes, Betsy  
Dodge, Robert  
Francoeur, Sheila  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
McEachern, Paul  
Morris, Richard  
Packard, Sherman  
Robertson, Carl  
Smith, Donald  
Vallone, Matthew  
Weyler, Kenneth

Bishop, Franklin  
Camm, Kevin  
Corbin, Corey  
Duffy, James  
Gilbert, Jeffrey  
Headd, James  
Ingram, Russell  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
Norelli, Terie  
Putnam, Ed II  
Roessner, Kurt  
Smith, Paul  
Varrell, Thomas  
Wiley, Robert

### STRAFFORD

Albert, Russell  
Campbell, W Packy

Bemis, Alan  
Cataldo, Sam

Berube, Roger  
Creteau, Irene

Callaghan, Frank  
Easson, Timothy



Heon, Richard  
Pelletier, Arthur  
Snyder, Clair  
Woods, Phyllis

Hofemann, Roland  
Schmidt, Peter  
Spang, Judith

Knowles, William  
Scott, David  
Twombly, James

Newton, Clifford  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
Phinizy, James

Ferland, Brenda

Flint, Gordon Sr

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HB 278

June 11, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 278, an act reducing the crime of sexual assault from a class B felony to a class A misdemeanor in cases where the victim is between 13 and 15 years old and where the defendant is up to 4 years older than the victim.

I have vetoed this bill because I believe that the penalty for sexual crimes committed against our children should not be reduced. The specific objection I have to this bill is that the age gap between the victim and perpetrator is too great. For example, this bill would reduce the penalty for sexual assault in cases where the victim is only 13 years of age and the defendant is 17 years of age. That age gap represents the considerable developmental difference between a seventh grader and a junior in high school. Likewise, a sexual assault committed on a victim that is only 15 years of age by a defendant who is 19 years of age would receive a reduced penalty under the terms of this bill. Just as there is a significant difference between a 13 year old and a 17 year old, there is a considerable disparity in maturity between an average 15 year old who is still a high school student and a 19 year old who may be living on his or her own. Given the unequal influence an older perpetrator can have on a younger victim in these types of cases and the mental anguish such victims often endure, I do not feel that we should reduce the consequences for committing the crime of sexual assault in these types of cases.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 278-FN**, relative to certain acts of sexual assault, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 49 NAYS 293

### YEAS 49

#### BELKNAP

Pilliod, James

#### CARROLL

Babson, David Jr

#### CHESHIRE

Allen, Peter  
Parkhurst, Henry  
Tilton, Anna

Dunn, James  
Pratt, Irene

Espiefs, Peter  
Richardson, Barbara

Mitchell, McKim  
Robertson, Timothy

### COOS

Pratt, Leighton

#### GRAFTON

Diamond, Estelle

Hammond, Lee

Scovner, Nancy

Sokol, Hilda

## HILLSBOROUGH

Brassard, Paul  
Jean, Claudette  
Shaw, Barbara

Drisko, Richard  
Kopka, Angeline  
Sweeney, Cynthia

Gargas, Carolyn  
Leach, Edward  
Vaillancourt, Steve

Haley, Robert  
Michon, Stephen

**MERRIMACK**

Brueggemann, Donald	Jacobson, Alf	Owen, Derek	Seldin, Gloria
Wallner, Mary Jane			

**ROCKINGHAM**

Casey, Kimberley	Gillick, Thomas	Robertson, Carl	Shultis, Elizabeth
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**STRAFFORD**

Bemis, Alan	Bickford, David	Creteau, Irene	Dunlap, Patricia
Hofemann, Roland	Kaen, Naida	Miller, Joseph	Musler, George
Taylor, Kathleen	Vachon, Dennis		

**SULLIVAN**

Donovan, Thomas	Franklin, Peter	Phinizy, James
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**NAYS 293****BELKNAP**

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Dewhirst, Glenn	Fitzgerald, James	Flanders, Donald
Holbrook, Robert	Lafam, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas	Russell, David	Thomas, John	Whalley, Michael

**CARROLL**

Brown, Carolyn	Derby, Mark	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Morrow, Harry	Mock, Henry
Olimpic, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

**CHESHIRE**

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Pratt, John	Royce, H Charles	Slack, Pamela	Smith, Edwin
Webber, Amy	Weed, Charles		

**COOS**

Brady, Mark	King, Frederick	Mears, Edgar	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Naro, Debra
Nordgren, Sharon	Solomon, Peter	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Dionne, Kimberley	Dokmo, Cynthia	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Gibson, John
Gorman, Mary	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Johnson, Lionel	Katsiantonis, Thomas	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul	Lasky, Bette

Luebker, Bernard  
McElroy, Henry Jr  
Mooney, Maureen  
O'Brien, Lori  
Pepino, Leo  
Ross, Lawrence  
Slocum, Lee  
Sullivan, Francis

Malloy, Chris  
McHugh, Claire  
Moran, Edward  
Ober, Russell III  
Pilotte, Maurice  
Rowe, Robert  
Souza, Kathleen  
Sullivan, Peter

Martin, Mary Ellen  
Mercer, Robert  
Mosher, William  
Pappas, Christopher  
Price, Pamela  
Scanlon, Michael  
Spiess, Paul  
Tate, Joan

McDonough-Wallace, Alice  
Messier, Irene  
Movsesian, Lori  
Pappas, Marc  
Reeves, Sandra  
Schulze, Joan  
Stepanek, Stephen  
Wheeler, James

### MERRIMACK

Anderson, Eric  
Currier, David  
DeStefano, Stephen  
Fraser, Leo Jr  
Kennedy, Richard  
Lockwood, Priscilla  
Nutter, Edward  
Rush, Deanna

Blanchard, Elizabeth  
Daniels, Eric  
Dunne, Christopher  
French, Barbara  
L'Heureux, Stephen  
MacKay, James  
Osborne, Jessie  
Soltani, Tony

Bouchard, Candace  
Davis, Frank  
Field, William  
Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Potter, Frances

Clarke, Claire  
DeJoie, John  
Foley, Albert  
Hess, David  
Leber, William  
McCormick, Tom  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Blanchard, MaryAnn  
Carson, Sharon  
Corbin, Corey  
Duffy, James  
Francoeur, Sheila  
Griffin, Mary  
Hughes, Daniel  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
McKinney, Betsy  
Norelli, Terie  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Waterhouse, Kevin  
Weyler, Kenneth

Belanger, Ronald  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
Manning, John  
McMahon, Charles  
Noyes, Richard  
Quandt, Matthew  
Smith, Donald  
Tufts, J Arthur  
Weare, E Albert  
Wiley, Robert

Bicknell, Elbert  
Cady, Harriet  
Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Headd, James  
Ingram, Russell  
Katsakiores, George  
Langone, John  
McCann, Richard  
Moore, Benjamin  
O'Neil, Michael  
Rausch, James  
Smith, Paul  
Vallone, Matthew  
Welch, David  
Winchell, George

Bishop, Franklin  
Camm, Kevin  
Cooney, Richard  
Dodge, Robert  
Flanders, John Sr  
Gould, Kenneth  
Holland, James Jr  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
McEachern, Paul  
Morris, Richard  
Packard, Sherman  
Roessner, Kurt  
Splaine, James  
Varrell, Thomas  
Weldy, Norman Jr  
Zolla, William

### STRAFFORD

Albert, Russell  
Campbell, W Packy  
Johnson, Nancy  
Rous, Emma  
Snyder, Clair  
Woods, Phyllis

Berube, Roger  
Cataldo, Sam  
Knowles, William  
Schmidt, Peter  
Spang, Judith

Brown, Julie  
Easson, Timothy  
Newton, Clifford  
Scott, David  
Twombly, James

Callaghan, Frank  
Heon, Richard  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Ferland, Brenda  
Rodeschin, Beverly

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HB 724

July 8, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 724, an Act extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.

H.B. 724 extends for an additional three years the date by which Skyhaven airport will be transferred from the State. We could extend the deadline in three-year increments forever. Instead, we ought to signal to all involved that the time has come to transfer the airport. I object to H.B. 724 because it sends the opposite signal.

The FBO at the airport is now profitable. The operation of the airport uses resources of the Department of Transportation that could be used for other projects.

The State has lived up to its commitments. If Skyhaven provides a valuable service to the pilots who use it and to the local communities, then Skyhaven should be able to operate without State help. Because this bill would extend Skyhaven's dependence on the State for another three years, I have vetoed it.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit, become law?

Rep. Bemis spoke in favor.

Rep. Berube spoke in favor and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 251 NAYS 101

### YEAS 251

#### BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Nedeau, Stephen	Pilliod, James	Rice, Thomas	Russell, David
Whalley, Michael			

#### CARROLL

Derby, Mark	Hatch, Paul	Kenney, Bettie	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Philbrick, Donald	Stevens, Stanley

#### CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Liebl, George	Manning, Joseph
Meador, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Slack, Pamela
Tilton, Anna	Webber, Amy	Weed, Charles	

#### COOS

Brady, Mark	King, Frederick	Mears, Edgar	Pratt, Leighton
Theberge, Robert			

#### GRAFTON

Akins, Ralph	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Dorsett, Andrew	Gionet, Edmond
Giuda, Robert	Hammond, Lee	Ingbreton, Paul	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter
Williams, Burton			

#### HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Baroody, Benjamin	Barry, J Gail
Bergin, Peter	Bouchard, David	Brassard, Paul	Buckley, Raymond
Buhlman, David	Cail, Kenneth	Carlson, Donald	Carter, Mark
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Fields, Dennis	Gargasz, Carolyn	Gibson, John

Gorman, Mary  
Haley, Robert  
Harrington, Paul  
Infantine, William  
Johnson, Lionel  
LaFlamme, Paul  
Luebker, Bernard  
McElroy, Henry Jr  
Messier, Irene  
Pappas, Christopher  
Schulze, Joan  
Stepanek, Stephen  
Tate, Joan

Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Irwin, Anne-Marie  
Kopka, Angeline  
Lasky, Bette  
Malloy, Chris  
McHugh, Claire  
Michon, Stephen  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Francis

Graham, John  
Hallyburton, Margaret  
Hinkle, Peyton  
Jasper, Shawn  
L'Heureux, Robert  
Lawrence, James  
Martin, Mary Ellen  
McRae, Karen  
Movsesian, Lori  
Price, Pamela  
Souza, Kathleen  
Sullivan, Peter

Hagan, Barbara  
Hansen, Ryan  
Holden, Randolph  
Jean, Claudette  
Laflamme, Charles  
Leach, Edward  
McDonough-Wallace, Alice  
Mercer, Robert  
O'Brien, Lori  
Scanlon, Michael  
Spiess, Paul  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Osborne, Jessie  
Rush, Deanna

Brueggemann, Donald  
DeJoie, John  
Hess, David  
MacKay, James  
Owen, Derek  
Seldin, Gloria

Clarke, Claire  
DeStefano, Stephen  
Jacobson, Alf  
Maxfield, Roy  
Potter, Frances  
Soltani, Tony

Daniels, Eric  
French, Barbara  
Kennedy, Richard  
Nutter, Edward  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Allen, Mary  
Blanchard, MaryAnn  
Coes, Betsy  
Fesh, Bob  
Gilbert, Karl  
Headd, James  
Itse, Daniel  
Kobel, Rudolph  
McEachern, Paul  
O'Neil, Michael  
Roessner, Kurt  
Tufts, J Arthur  
Welch, David  
Winchell, George

Belanger, Ronald  
Cady, Harriet  
Cooney, Richard  
Flanders, John Sr  
Gillick, Thomas  
Holland, James Jr  
Johnson, Robert  
Langone, John  
McKinney, Betsy  
Pantelakos, Laura  
Shultis, Elizabeth  
Vallone, Matthew  
Weldy, Norman Jr

Bicknell, Elbert  
Camm, Kevin  
Corbin, Corey  
Francœur, Sheila  
Gould, Kenneth  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
McMahon, Charles  
Quandt, Matthew  
Smith, Donald  
Waterhouse, Kevin  
Weyler, Kenneth

Bishop, Franklin  
Casey, Kimberley  
Dodge, Robert  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
McCann, Richard  
Norelli, Terie  
Robertson, Carl  
Splaine, James  
Weare, E Albert  
Wiley, Robert

### STRAFFORD

Bemis, Alan  
Callaghan, Frank  
Dunlap, Patricia  
Johnson, Nancy  
Musler, George  
Schmidt, Peter  
Taylor, Kathleen  
Woods, Phyllis

Berube, Roger  
Campbell, W Packy  
Easson, Timothy  
Kaen, Naida  
Newton, Clifford  
Smith, Marjorie  
Twombly, James

Bickford, David  
Cataldo, Sam  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Creteau, Irene  
Hofemann, Roland  
Miller, Joseph  
Rous, Emma  
Spang, Judith  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Phinizy, James

Burling, Peter  
Franklin, Peter  
Rodeschin, Beverly

Cloutier, John  
Jones, Constance

Donovan, Thomas  
Leone, Richard

### NAYS 101

### BELKNAP

Dewhirst, Glenn  
Wendelboe, Fran

Laflam, Robert

Lawton, David

Thomas, John

**CARROLL**

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Mock, Henry
Patten, Betsey			

**CHESHIRE**

Hunt, John	Laurent, John	Royce, H Charles	Smith, Edwin
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**COOS**

Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Woodward, David
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**GRAFTON**

Alger, John	Barker, Robert	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Maybeck, Margie	Sorg, Gregory	

**HILLSBOROUGH**

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Balboni, Michael
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Brundige, Robert
Bruno, Pierre	Carter, Jeffrey	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Coughlin, Pamela	Crane, Elenore Casey	Elliott, Larry
Fletcher, Richard	Greenberg, Gary	Haytayan, Harry Jr	Hopper, Gary
Katsiantonis, Thomas	Kurk, Neal	Mooney, Maureen	Moran, Edward
Mosher, William	Ober, Russell III	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Slocum, Lee
Tahir, Saghir	Vaillancourt, Steve	Wheeler, James	

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Dunne, Christopher
Field, William	Foley, Albert	Fraser, Leo Jr	L'Heureux, Stephen
Langer, Ray	Leber, William	McCormick, Tom	Reed, Dennis

**ROCKINGHAM**

Bridle, Russell	Carson, Sharon	Clark, Vivian	Dalrymple, Janeen
Dearborn, Bruce	Duffy, James	Dumaine, Dudley	Griffin, Mary
Hughes, Daniel	Ingram, Russell	Johnson, Rogers	Kelley, Jane
Major, Norman	Manning, John	Moore, Benjamin	Morris, Richard
Noyes, Richard	Packard, Sherman	Putnam, Ed II	Rausch, James
Ruffner, Walter	Smith, Paul	Stone, Joseph	Varrell, Thomas
Zolla, William			

**STRAFFORD**

Albert, Russell	Harrington, Michael	Scott, David
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**SULLIVAN**

Flint, Gordon Sr  
and the veto was overridden by the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 737**

July 8, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 737, an Act relative to the state conservation committee.

At a time when the budget is very tight, H.B. 737 creates a new unclassified state position. The bill then appropriates \$1 to fund this position and carry out the other purposes of the bill.

As a general matter, I will not support adding new State positions, if we do not have the money to fund them. It is for this reason that I have vetoed this bill.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 737-FN-A**, relative to the state conservation committee, become law?

Rep. MaryAnn Blanchard spoke in favor.

Rep. Mock spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 174 NAYS 186

### YEAS 174

#### BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Holbrook, Robert	Laflam, Robert
Pilliod, James			

#### CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	Olimpio, J Lisbeth
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#### CHESHIRE

Allen, Peter	Dunn, James	Eaton, Daniel	Espiefs, Peter
Manning, Joseph	Meader, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Slack, Pamela	Tilton, Anna	Webber, Amy
Weed, Charles			

#### COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Theberge, Robert			

#### GRAFTON

Akins, Ralph	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Hammond, Lee	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

#### HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Bergin, Peter	Brassard, Paul
Buckley, Raymond	Carlson, Donald	Christensen, D L Chris	Clayton, William
Clemons, Jane	Cote, David	Craig, James	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Gargas, Carolyn
Gorman, Mary	Haley, Robert	Haytayan, Harry Jr	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Leach, Edward	Malloy, Chris
Martin, Mary Ellen	McDonough-Wallace, Alice	Messier, Irene	Michon, Stephen
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tate, Joan	Wheeler, Robert

#### MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Lockwood, Priscilla	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

#### ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Cooney, Richard
Corbin, Corey	DiFruscia, Anthony	Dodge, Robert	Duffy, James

Flanders, John Sr  
Gould, Kenneth  
Kelley, Jane  
Noyes, Richard  
Quandt, Matthew  
Shultis, Elizabeth  
Vallone, Matthew

Francoeur, Sheila  
Hamel, Albert  
Langone, John  
O'Neil, Michael  
Rausch, James  
Splaine, James  
Welch, David

Gilbert, Jeffrey  
Holland, James Jr  
McEachern, Paul  
Pantelakos, Laura  
Robertson, Carl  
Stone, Joseph  
Weldy, Norman Jr

Gillick, Thomas  
Johnson, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Roessner, Kurt  
Tufts, J Arthur  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Heon, Richard  
Knowles, William  
Rous, Emma  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Taylor, Kathleen

Creteau, Irene  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Twombly, James

Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Phinizy, James

Burling, Peter  
Flint, Gordon Sr

Cloutier, John  
Franklin, Peter

Donovan, Thomas  
Jones, Constance

### NAYS 186

### BELKNAP

Allen, Janet  
Fitzgerald, James  
Rice, Thomas  
Whalley, Michael

Bartlett, Gordon  
Flanders, Donald  
Russell, David

Clark, Charles  
Lawton, David  
Thomas, John

Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

### CARROLL

Brown, Carolyn  
Merrow, Harry  
Stevens, Stanley

Derby, Mark  
Mock, Henry

Kenney, Bettie  
Patten, Betsey

McConkey, Mark  
Philbrick, Donald

### CHESHIRE

Dexter, Judson  
Liebl, George

Fish, Douglas  
Smith, Edwin

Hunt, John

Laurent, John

### COOS

Brady, Mark  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Richardson, Herbert

Stohl, Eric

### GRAFTON

Alger, John  
Eaton, Stephanie  
Ingretson, Paul

Barker, Robert  
Gilman, G Michael  
Maybeck, Margie

Dorsett, Andrew  
Gionet, Edmond  
Sorg, Gregory

Dudley, Terri  
Giuda, Robert  
Williams, Burton

### HILLSBOROUGH

Adams, Jarvis  
Balboni, Michael  
Bergeron, Jean-Guy  
Buhlman, David  
Cernota, Albert  
Coughlin, Pamela  
Fletcher, Richard  
Graham, John  
Hallyburton, Margaret  
Hinkle, Peyton

Allen, Timothy  
Barry, J Gail  
Bouchard, David  
Cail, Kenneth  
Chabot, Robert  
Crane, Elenore Casey  
Gibson, John  
Greenberg, Gary  
Hansen, Ryan  
Holden, Randolph

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Carter, Jeffrey  
Christiansen, Lars  
Elliott, Larry  
Gonzalez, Carlos  
Hagan, Barbara  
Harrington, Paul  
Hopper, Gary

Artz, Lawrence  
Beaton, William  
Bruno, Pierre  
Carter, Mark  
Cote, Peter  
Fields, Dennis  
Goyette, Peter Jr  
Hall, Charles  
Hawkins, Ken  
Infantine, William



Jasper, Shawn  
Lawrence, James  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Scanlon, Michael  
Tahir, Saghir

L'Heureux, Robert  
Luebker, Bernard  
Mercer, Robert  
O'Brien, Lori  
Reeves, Sandra  
Slocum, Lee  
Vaillancourt, Steve

Laflamme, Charles  
McElroy, Henry Jr  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Souza, Kathleen  
Wheeler, James

LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Stepanek, Stephen

### MERRIMACK

Currier, David  
Foley, Albert  
Langer, Ray  
McCormick, Tom

Daniels, Eric  
Fraser, Leo Jr  
Leber, William  
Nutter, Edward

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Reed, Dennis

Field, William  
L'Heureux, Stephen  
Maxfield, Roy  
Soltani, Tony

### ROCKINGHAM

Allen, Mary  
Bridle, Russell  
Clark, Vivian  
Fesh, Bob  
Hughes, Daniel  
Itse, Daniel  
Kobel, Rudolph  
McCann, Richard  
Morris, Richard  
Smith, Donald  
Weare, E Albert

Belanger, Ronald  
Cady, Harriet  
Dalrymple, Janeen  
Gilbert, Karl  
Hutchinson, Karen  
Johnson, Rogers  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Smith, Paul  
Wiley, Robert

Bicknell, Elbert  
Camm, Kevin  
Dearborn, Bruce  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Major, Norman  
McMahon, Charles  
Putnam, Ed II  
Varrell, Thomas  
Winchell, George

Bishop, Franklin  
Carson, Sharon  
Dumaine, Dudley  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Manning, John  
Moore, Benjamin  
Ruffner, Walter  
Waterhouse, Kevin  
Zolla, William

### STRAFFORD

Albert, Russell  
Campbell, W Packy  
Newton, Clifford

Bemis, Alan  
Cataldo, Sam  
Scott, David

Bickford, David  
Easson, Timothy  
Woods, Phyllis

Brown, Julie  
Harrington, Michael

### SULLIVAN

Leone, Richard

Rodeschin, Beverly

and the veto was sustained, lacking the necessary two-thirds.

## GOVERNOR'S VETO MESSAGE ON HB 796

July 21, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 796, an Act relative to the taxation of manufactured housing and relative to the notice required prior to the sale of a recreational campground.

I do not object to the sections of this bill that provide that manufactured housing shall be taxed and treated as real estate, that eliminate the separate manufactured housing tax lien system and that change the definition of security interest. These sections were subject to hearing and were the result of much legislative effort. They make appropriate changes to current law. I object only to the final section of the bill, which was added during the committee of conference process and which makes a change to current law that is unnecessary and unfair to recreational campground owners. Section 8 of H.B. 796, requires that before a recreational campground owner may sell her campground, she must first give 60 days notice and a right of first refusal to any owner within the campground of a recreational trailer or manufactured home who pays property taxes to the town. Manufactured housing parks are separately regulated by RSA chapter 205-A, and the regulation of manufactured homes is outside the scope of the current RSA chapter 216-I. With respect to manufactured housing parks, a right of first refusal is in the current law, and makes more sense, since tenants have their primary residences within these parks. See RSA 205-A:21. A right of first refusal does not make sense in the context of a recreational campground, however.

By definition, a recreational campground contains campsites "intended for temporary occupancy for recreational dwelling purposes only, and not for permanent, year-round residency." RSA 216-I:1, VII. Still, some within a recreational campground may leave their recreational trailers in the recreational campground and may pay personal property taxes to the town. If H.B. 796 were to become law, these recreational trailer owners would be entitled to 60 days notice and a right of first refusal. H.B. 796 would give this important property right to the recreational trailer owners at the expense of the recreational campground owners.

The legislative history of this bill fails to show why this change is necessary or even why it would be generally beneficial to recreational trailer owners. On the other hand, since this bill passed, I have been contacted by numerous recreational campground owners who have expressed their concerns that section 8 of this bill would interfere with their property rights, make selling their property more difficult and reduce the value of their property.

Because section 8 of this bill would take away important property rights of campground owners and because there has been no demonstration of a compelling state interest in doing so, I have vetoed this bill.

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 796-FN-L**, relative to the taxation of manufactured housing and relative to notice required prior to the sale of a recreational campground, become law?

Rep. Infantine spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 40 NAYS 316

### YEAS 40 BELKNAP

None

### CARROLL

Hatch, Paul

### CHESHIRE

Hunt, John

Pratt, Irene

Slack, Pamela

Webber, Amy

### COOS

King, Frederick

Theberge, Robert

### GRAFTON

Densmore, Edward

Diamond, Estelle

Hammond, Lee

### HILLSBOROUGH

Brassard, Paul

Clayton, William

Hawkins, Ken

Jean, Claudette

Johnson, Lionel

LaFlamme, Paul

Leach, Edward

McDonough-Wallace, Alice

Pappas, Christopher

Pilotte, Maurice

Schulze, Joan

Sweeney, Cynthia

### MERRIMACK

Brueggemann, Donald  
Wallner, Mary Jane

DeJoie, John

Jacobson, Alf

Seldin, Gloria

### ROCKINGHAM

Coes, Betsy

Hamel, Albert

Pantelakos, Laura

Shultis, Elizabeth

### STRAFFORD

Dunlap, Patricia  
Snyder, Clair

Hofemann, Roland  
Spang, Judith

Musler, George  
Taylor, Kathleen

Pelletier, Arthur  
Vachon, Dennis

### SULLIVAN

Franklin, Peter

**NAYS 316****BELKNAP**

Ahern, Omer Jr  
Clark, Charles  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Allen, Janet  
Dewhirst, Glenn  
Lafam, Robert  
Rice, Thomas  
Whalley, Michael

Bartlett, Gordon  
Fitzgerald, James  
Lawton, David  
Russell, David

Boyce, Laurie  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Kenney, Bettie  
Olimpio, J Lisbeth

Brown, Carolyn  
McConkey, Mark  
Patten, Betsey

Derby, Mark  
Morrow, Harry  
Philbrick, Donald

Dickinson, Howard  
Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Manning, Joseph  
Pratt, John  
Smith, Edwin

Dexter, Judson  
Fish, Douglas  
Meader, David  
Richardson, Barbara  
Tilton, Anna

Dunn, James  
Laurent, John  
Mitchell, McKim  
Robertson, Timothy

Eaton, Daniel  
Liebl, George  
Parkhurst, Henry  
Royce, H Charles

**COOS**

Brady, Mark  
Pratt, Leighton  
Woodward, David

Guay, Lawrence  
Richardson, Herbert

Mears, Edgar  
Stohl, Eric

Poulin, Richard  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Bleyler, Ruth  
Gilman, G Michael  
Maybeck, Margie  
Sokol, Hilda

Alger, John  
Cooney, Mary  
Gionet, Edmond  
Naro, Debra  
Solomon, Peter

Barker, Robert  
Dorsett, Andrew  
Giuda, Robert  
Nordgren, Sharon  
Sorg, Gregory

Benn, Bernard  
Dudley, Terri  
Ingbreton, Paul  
Scovner, Nancy  
Williams, Burton

**HILLSBOROUGH**

Adams, Jarvis  
Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Buhlman, David  
Carter, Mark  
Christiansen, Lars  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Gonzalez, Carlos  
Hagan, Barbara  
Hansen, Ryan  
Holden, Randolph  
Jasper, Shawn  
L'Heureux, Robert  
Luebker, Bernard  
McHugh, Claire  
Michon, Stephen  
Movsesian, Lori  
Pepino, Leo  
Rowe, Robert  
Souza, Kathleen  
Sullivan, Peter  
Wheeler, James

Allan, Nelson  
Balboni, Michael  
Beaton, William  
Brundige, Robert  
Cail, Kenneth  
Cernota, Albert  
Clemons, Jane  
Craig, James  
Drisko, Richard  
Fletcher, Richard  
Goyette, Peter Jr  
Haley, Robert  
Harrington, Paul  
Hopper, Gary  
Katsiantonis, Thomas  
Laflamme, Charles  
Malloy, Chris  
McRae, Karen  
Mooney, Maureen  
O'Brien, Lori  
Price, Pamela  
Scanlon, Michael  
Spiess, Paul  
Tahir, Saghir  
Wheeler, Robert

Allen, Timothy  
Baroody, Benjamin  
Bergeron, Jean-Guy  
Bruno, Pierre  
Carlson, Donald  
Chabot, Robert  
Cote, David  
Crane, Elenore Casey  
Elliott, Larry  
Gargas, Carolyn  
Graham, John  
Hall, Charles  
Haytayan, Harry Jr  
Infantine, William  
Kopka, Angeline  
Lasky, Bette  
Martin, Mary Ellen  
Mercer, Robert  
Moran, Edward  
Ober, Russell III  
Reeves, Sandra  
Shaw, Barbara  
Stepanek, Stephen  
Tate, Joan

Arnold, Thomas Jr  
Barry, J Gail  
Bergin, Peter  
Buckley, Raymond  
Carter, Jeffrey  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Emerton, Larry  
Gibson, John  
Greenberg, Gary  
Hallyburton, Margaret  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kurk, Neal  
Lawrence, James  
McElroy, Henry Jr  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Ross, Lawrence  
Slocum, Lee  
Sullivan, Francis  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Daniels, Eric	Davis, Frank	DeStefano, Stephen
Dunne, Christopher	Field, William	Foley, Albert	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	McCormick, Tom
Nutter, Edward	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Soltani, Tony

**ROCKINGHAM**

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Clark, Vivian	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Duffy, James	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Holland, James Jr	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	Manning, John	McCann, Richard
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Smith, Donald	Smith, Paul	Spaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	

**STRAFFORD**

Albert, Russell	Bemis, Alan	Berube, Roger	Bickford, David
Brown, Julie	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Creteau, Irene	Easson, Timothy	Harrington, Michael	Heon, Richard
Johnson, Nancy	Kaen, Naida	Knowles, William	Miller, Joseph
Newton, Clifford	Rous, Emma	Schmidt, Peter	Scott, David
Smith, Marjorie	Twombly, James	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Jones, Constance	Leone, Richard
Phinizz, James	Rodeschin, Beverly		

and the veto was sustained, lacking the necessary two-thirds.

**MOTION TO WITHDRAW REFERRAL TO JOINT COMMITTEE**

Rep. Hess moved that **HA-1**, for the removal of Wayne Vetter, executive director of the fish and game department, from his said office, be withdrawn from the Joint Committee on Address.

Rep. Hess spoke in favor.

Adopted.

**LAI D ON THE TABLE**

Rep. Hess moved that **HA-1**, for the removal of Wayne Vetter, executive director of the fish and game department, from his said office, be laid on the table.

Adopted.

**MOTION TO PRINT REMARKS**

Rep. Hopper moved that the remarks made by Rep. Hess during debate on **HA-1** be printed in the Permanent Journal.

Adopted.

Rep. Hess: Thank you very much, Mr. Speaker. As the members know, on January 30, 2003, House Address 1 was introduced and referred to a Joint Committee on Address. This legislation called for the removal of the former director of the Fish and Game Department. A special committee, however, was never appointed because within the Executive Branch there were ongoing discussions about resolving this matter which ultimately resulted in the resignation of that individual. The director did resign, thus the need for this address was rendered moot. I am making this motion in order to clear the record on the final disposition of this legislation before we adjourn the 2003 session, and if this motion is adopted, I will then move to table House Address 1 so that it will be properly disposed of at the end of this session. Thank you very much.

The House recessed at 10:55 a.m.

## RECESS

### (Speaker Chandler in the Chair)

The House reconvened at 11:35 a.m.

## SENATE MESSAGES

The Senate has voted to override the Governor's veto on the following Bill:

**HB 724**, extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.

The Senate has voted to sustain the Governor's veto on the following Bill:

**SB 145**, relative to the duties of the board of trustees of the department of regional community-technical colleges.

The Senate has voted to override the Governor's veto on the following Bill:

**SB 179**, relative to positions in the banking department.

## GOVERNOR'S VETO ON SB 179

The question being, notwithstanding the Governor's veto, shall **SB 179**, relative to positions in the banking department, become law?

Rep. Soltani spoke against and yielded to questions.

Reps. Hunt and Robert Wheeler spoke in favor and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

## YEAS 210 NAYS 147

### YEAS 210

#### BELKNAP

Allen, Janet  
Flanders, Donald  
Whalley, Michael

Bartlett, Gordon  
Holbrook, Robert

Clark, Charles  
Nedeau, Stephen

Fitzgerald, James  
Pilliod, James

#### CARROLL

Brown, Carolyn  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Hatch, Paul  
Stevens, Stanley

Olimpio, J Lisbeth

#### CHESHIRE

Allen, Peter  
Espieffs, Peter  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles  
Webber, Amy

Dexter, Judson  
Fish, Douglas  
Meador, David  
Pratt, John  
Slack, Pamela  
Weed, Charles

Dunn, James  
Hunt, John  
Mitchell, McKim  
Richardson, Barbara  
Smith, Edwin

Eaton, Daniel  
Liebl, George  
Parkhurst, Henry  
Robertson, Timothy  
Tilton, Anna

#### COOS

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Poulin, Richard

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Densmore, Edward  
Naro, Debra  
Solomon, Peter

Benn, Bernard  
Diamond, Estelle  
Nordgren, Sharon

Bleyler, Ruth  
Dudley, Terri  
Scovner, Nancy

Cooney, Mary  
Hammond, Lee  
Sokol, Hilda

**HILLSBOROUGH**

Allan, Nelson  
 Brassard, Paul  
 Chabot, Robert  
 Cote, David  
 Drisko, Richard  
 Gorman, Mary  
 Hallyburton, Margaret  
 Kopka, Angeline  
 Lasky, Bette  
 Mercer, Robert  
 Pappas, Christopher  
 Schulze, Joan  
 Sweeney, Cynthia

Baroody, Benjamin  
 Buckley, Raymond  
 Christensen, D L Chris  
 Cote, Peter  
 Emerton, Larry  
 Graham, John  
 Haytayan, Harry Jr  
 Kurk, Neal  
 Leach, Edward  
 Messier, Irene  
 Pilotte, Maurice  
 Shaw, Barbara  
 Tate, Joan

Batula, Peter  
 Cail, Kenneth  
 Clayton, William  
 Coughlin, Pamela  
 Fields, Dennis  
 Greenberg, Gary  
 Irwin, Anne-Marie  
 Laflamme, Charles  
 Malloy, Chris  
 Michon, Stephen  
 Price, Pamela  
 Sullivan, Francis  
 Wheeler, Robert

Bergin, Peter  
 Carlson, Donald  
 Clemons, Jane  
 Craig, James  
 Gargas, Carolyn  
 Haley, Robert  
 Jean, Claudette  
 LaFlamme, Paul  
 McDonough-Wallace, Alice  
 Movsesian, Lori  
 Rowe, Robert  
 Sullivan, Peter

**MERRIMACK**

Anderson, Eric  
 Clarke, Claire  
 DeStefano, Stephen  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 Osborne, Jessie  
 Rush, Deanna

Blanchard, Elizabeth  
 Daniels, Eric  
 Fraser, Leo Jr  
 Hess, David  
 Lockwood, Priscilla  
 Owen, Derek  
 Seldin, Gloria

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Jacobson, Alf  
 MacKay, James  
 Potter, Frances  
 Wallner, Mary Jane

Bueggemann, Donald  
 DeJoie, John  
 Gile, Mary  
 Kennedy, Richard  
 Maxfield, Roy  
 Reardon, Tara

**ROCKINGHAM**

Allen, Mary  
 Casey, Kimberley  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Gould, Kenneth  
 Johnson, Rogers  
 McEachern, Paul  
 O'Neil, Michael  
 Robertson, Carl  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Coes, Betsy  
 Dearborn, Bruce  
 Gilbert, Jeffrey  
 Hamel, Albert  
 Kelley, Jane  
 Moore, Benjamin  
 Pantelakos, Laura  
 Shultis, Elizabeth  
 Vallone, Matthew  
 Winchell, George

Blanchard, MaryAnn  
 Cooney, Richard  
 Dodge, Robert  
 Gillick, Thomas  
 Holland, James Jr  
 Major, Norman  
 Norelli, Terie  
 Pitts, Jacqueline  
 Splaine, James  
 Weare, E Albert  
 Zolla, William

Bridle, Russell  
 Corbin, Corey  
 Flanders, John Sr  
 Gleason, John  
 Johnson, Robert  
 Manning, John  
 Noyes, Richard  
 Rausch, James  
 Stone, Joseph  
 Welch, David

**STRAFFORD**

Berube, Roger  
 Creteau, Irene  
 Johnson, Nancy  
 Musler, George  
 Smith, Marjorie  
 Taylor, Kathleen

Bickford, David  
 Dunlap, Patricia  
 Kaen, Naida  
 Pelletier, Arthur  
 Snyder, Clair  
 Twombly, James

Brown, Julie  
 Heon, Richard  
 Knowles, William  
 Rous, Emma  
 Spang, Judith  
 Vachon, Dennis

Callaghan, Frank  
 Hofemann, Roland  
 Miller, Joseph  
 Schmidt, Peter  
 Taylor, Katherine  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr

Burling, Peter  
 Franklin, Peter

Cloutier, John  
 Jones, Constance

Donovan, Thomas  
 Rodeschin, Beverly

**NAYS 147****BELKNAP**

Ahern, Omer Jr  
 Rice, Thomas

Boyce, Laurie  
 Russell, David

Laflam, Robert  
 Thomas, John

Lawton, David  
 Wendelboe, Fran

**CARROLL**

Babson, David Jr  
 Merrow, Harry

Derby, Mark  
 Mock, Henry

Kenney, Bettie

McConkey, Mark

**CHESHIRE**

Laurent, John

**COOS**Brady, Mark  
Woodward, David

Guay, Lawrence

Richardson, Herbert

Stohl, Eric

**GRAFTON**Alger, John  
Gionet, Edmond  
Sorg, GregoryBarker, Robert  
Giuda, Robert  
Williams, BurtonDorsett, Andrew  
Ingbretson, PaulGilman, G Michael  
Maybeck, Margie**HILLSBOROUGH**Adams, Jarvis  
Balboni, Michael  
Bouchard, David  
Carter, Jeffrey  
Crane, Elenore Casey  
Gibson, John  
Hall, Charles  
Hinkle, Peyton  
Jasper, Shawn  
Lawrence, James  
McHugh, Claire  
Mosher, William  
Pepino, Leo  
Slocum, Lee  
Wheeler, JamesAllen, Timothy  
Barry, J Gail  
Brundige, Robert  
Carter, Mark  
Dionne, Kimberley  
Gonzalez, Carlos  
Hansen, Ryan  
Holden, Randolph  
Johnson, Lionel  
Luebker, Bernard  
McRae, Karen  
O'Brien, Lori  
Reeves, Sandra  
Souza, KathleenArnold, Thomas Jr  
Beaton, William  
Bruno, Pierre  
Cernota, Albert  
Elliott, Larry  
Goyette, Peter Jr  
Harrington, Paul  
Hopper, Gary  
Katsiantonis, Thomas  
Martin, Mary Ellen  
Mooney, Maureen  
Ober, Russell III  
Ross, Lawrence  
Tahir, SaghirArtz, Lawrence  
Bergeron, Jean-Guy  
Buhlman, David  
Christiansen, Lars  
Fletcher, Richard  
Hagan, Barbara  
Hawkins, Ken  
Infantine, William  
L'Heureux, Robert  
McElroy, Henry Jr  
Moran, Edward  
Pappas, Marc  
Scanlon, Michael  
Vaillancourt, Steve**MERRIMACK**Currier, David  
Langer, Ray  
Reed, DennisDunne, Christopher  
Leber, William  
Soltani, TonyField, William  
McCormick, TomFoley, Albert  
Nutter, Edward**ROCKINGHAM**Bicknell, Elbert  
Carson, Sharon  
Dumaine, Dudley  
Headd, James  
Introne, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Putnam, Ed II  
Smith, Donald  
Weldy, Norman JrBishop, Franklin  
Clark, Vivian  
Fesh, Bob  
Hughes, Daniel  
Itse, Daniel  
Langone, John  
McMahon, Charles  
Quandt, Matthew  
Smith, Paul  
Wiley, RobertCady, Harriet  
DiFruscia, Anthony  
Gilbert, Karl  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morris, Richard  
Roessner, Kurt  
Varrell, ThomasCamm, Kevin  
Duffy, James  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
McCann, Richard  
Packard, Sherman  
Ruffner, Walter  
Waterhouse, Kevin**STRAFFORD**Albert, Russell  
Easson, Timothy  
Woods, PhyllisBemis, Alan  
Harrington, MichaelCampbell, W Packy  
Newton, CliffordCataldo, Sam  
Scott, David**SULLIVAN**Ferland, Brenda  
and the veto was sustained, lacking the necessary two-thirds.

Leone, Richard

Phinzy, James

**SENATE MESSAGE**

At the time of adjournment from the 2003 session, the following House Bills have died on the table in the Senate:

**HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs.

**HB 177**, excluding stepchildren from the definition of "child" in the context of support orders.

**HB 213**, relative to reporting requirements for dedicated funds.

**HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections.

**HB 293**, establishing a commission to identify medical errors and their causes.

**HB 311**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

**HB 327**, establishing a committee to study the use of state vehicles.

**HB 364-FN**, relative to the use of automatic telephone dialing systems for political advocacy.

**HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property.

**HB 424**, relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.

**HB 455**, relative to residency requirements for disabled persons applying for a tax deferral of property taxes.

**HB 466**, relative to the adoption procedure for property tax exemptions and credits

**HB 467**, allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits.

**HB 495**, relative to unauthorized access to a wireless computer network.

**HB 528**, establishing a commission to study computer standards used in public schools in New Hampshire.

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

**HB 676-FN**, relative to lake level investigations.

**HB 720-FN-L**, extending the kindergarten aid program

**HB 735-FN**, relative to prescription drugs and medicaid best practices.

**HB 776**, relative to emergency medical care for pregnant women.

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

**HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.

### SENATE MESSAGE

The Senate has adjourned from the 2003 session.

### CLERK'S NOTE

At the time of adjournment from the 2003 session, the following bills died on the table in the House: **HA 1**, for the removal of Wayne Vetter, executive director of the fish and game department, from his said office.

**HB 836**, certifying that John Coughlin was elected as county attorney for Hillsborough county at the 2002 general election.

**HR 12**, affirming revenue estimates for fiscal years 2003, 2004 and 2005.

**SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester.

**SB 59-FN**, relative to administrative license suspension hearings.

### MOTION TO ADJOURN

Rep. Hess moved that the 2003 session of the New Hampshire House of Representatives adjourn. Adopted.

Attested by  
Karen O. Wadsworth  
Clerk of the House



**(CLERK'S NOTE)**  
**OUTSTANDING BILLS**

**At the time of adjournment from the 2003 session, the following bills were not signed off in Committee of Conference:**

**HB 109-FN**, relative to telemarketing practices.

**HB 280-FN**, relative to the poison information center.

**HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute.

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

**SB 163**, relative to the procedures of the health services planning and review board.

**At the time of adjournment from the 2003 session, the following House bills were retained in committee for House action in the second year:**

**HB 53**, relative to retail motor vehicle sales.

**HB 65**, relative to educational assistance for national guard members.

**HB 72**, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food.

**HB 74**, establishing a task force on the siting of new district courts.

**HB 85-FN-L**, requiring the exclusion of certain one-time expenditures prior to the adoption of a default budget in cities and towns that have adopted official ballot voting.

**HB 115**, relative to nonrenewal of homeowner's insurance policies.

**HB 116-FN**, granting group II retirement system status to certain positions in the department of corrections.

**HB 119**, relative to removing names from the checklist.

**HB 133-L**, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district.

**HB 138-FN**, relative to interpreters for the deaf in certain governmental or public proceedings.

**HB 141**, prohibiting the use of automatic dialing systems for telephone solicitation.

**HB 143-FN**, relative to the registration fees and requirements for snow traveling vehicles.

**HB 145**, relative to the Claremont and Newport district courts.

**HB 152**, relative to regulation by political subdivisions of OHRV trails and exempting certain rail trails use from the state trail evaluation process.

**HB 154-FN**, establishing a department of financial services.

**HB 158**, allowing the voter to deposit the ballot into the ballot box.

**HB 161-FN-L**, relative to residency in determining entitlement to local welfare assistance.

**HB 170**, relative to the notice of proposed rulemaking under the administrative procedure act.

**HB 174**, relative to homeowner's insurance and the ownership of certain breeds of dogs.

**HB 176**, relative to listing candidates on ballots.

**HB 217**, relative to emergency powers of the supreme court.

**HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations.

**HB 227**, establishing a committee to study the feasibility of consolidating the administrative functions of regulatory boards and commissions into a single agency.

**HB 230**, establishing a committee to study procedures for the joint legislative committee on administrative rules to introduce legislative changes.

**HB 235**, relative to removal of political advertising.

**HB 236**, relative to recount application deadlines.

**HB 243**, relative to motor vehicle exhaust noise standards.

**HB 264**, establishing state representative districts.

**HB 265**, relative to the health care delivery system.

**HB 266**, requiring youth bicyclists and skateboarders to wear protective headgear.

**HB 274-A**, making an appropriation for the restoration of the White Island Light Station.

**HB 276-FN**, relative to protective custody for intoxicated or incapacitated persons.

**HB 285**, relative to establishing non-amendable articles by voter petition.

**HB 307**, relative to municipal regulation of public highways.

**HB 325**, relative to the Henniker-Hillsborough district court and the New London district court.

**HB 328**, relative to the allocation of costs in court actions.

**HB 329-FN**, establishing a pilot program for the introduction of Grass Carp into Flints Pond in the town of Hollis.

**HB 341**, relative to performance budgeting of state programs and agencies.

**HB 342**, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act.

**HB 347**, limiting access to certain business records.

**HB 351**, requiring completion of a child impact seminar prior to filing for divorce.

**HB 355-FN**, relative to the permissible fireworks review committee, the fireworks license fee, and the authority of the permissible fireworks inspector.

**HB 359**, establishing a procedure for apportioning state senate and representative districts.

**HB 366**, relative to mercury reduction.

**HB 369**, relative to the Henniker and Hillsborough district courts.

**HB 381-FN**, requiring proposed bills and rules to include an analysis of their impact on personal privacy.

**HB 382**, relative to state-funded health insurance.

**HB 385**, requiring compliance with local ordinances in the establishment of public ATV and trail bike trails on private lands.

**HB 388**, permitting the reduction of the speed limit within a business or urban residence district or within the compact part of cities or towns to 15 miles per hour.

**HB 395**, relative to proof of qualifications for voter registration.

**HB 403**, requiring persons who are acquitted of certain sexual assaults by reason of insanity to register as sexual offenders.

**HB 421-FN-A**, relative to the waiting list for services for people with developmental disabilities and making an appropriation therefor.

**HB 422**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 426**, relative to the monitoring and approval of appraisers by the commissioner of revenue administration.

**HB 429**, relative to processing excavating and dredging permits.

**HB 433**, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system.

**HB 440**, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals.

**HB 444**, relative to summoning witnesses from another state.

**HB 459**, relative to market conduct examinations.

**HB 465**, relative to the rulemaking authority of the department of health and human services and relative to licensing rules for health facilities.

**HB 473**, relative to the board of mental health practice.

**HB 474**, relative to the appointment of alternates to sit at meetings of the planning and zoning boards and the rules of order used by local land use boards.

**HB 479**, directing the department of administrative services to develop a plan for implementing an electronic purchasing system for the state.

**HB 482**, establishing a committee to study certification of organic products.

**HB 488**, relative to leaf and yard waste.

**HB 492**, establishing a statement of parental rights relative to school disciplinary measures, the content of educational materials and surveys, and the use of psychological testing and psychiatric drugs in schools.

**HB 493**, relative to the municipal budget act.

**HB 501**, ratifying certain actions of the Rye conservation commission.

**HB 503**, relative to septic system construction permits.

**HB 511**, requiring New Hampshire Hospital security officers to be full-time certified police officers.

**HB 516-L**, relative to the standard of review for requests for excavating and dredging permits.

- HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing.
- HB 532**, relative to notice and filing of divorce petitions.
- HB 537**, establishing a 211 commission.
- HB 541**, relative to the obligation of religious leaders to report child abuse.
- HB 545**, requiring building contractors to disclose the name of any subcontractors involved in the project.
- HB 551**, relative to the effect of parental refusal to administer psychotropic drugs to their children.
- HB 559**, relative to grounds for termination of employment.
- HB 563**, relative to the emancipation of minors.
- HB 567-FN-L**, relative to telecommunications infrastructure in state-owned rights-of-way.
- HB 583-FN**, requiring training for election officials.
- HB 585-FN**, allowing teachers of private academies which provide public education to be included in the retirement system.
- HB 587-FN**, relative to reimbursement for services provided in delinquency, children in need of services, and abuse and neglect proceedings.
- HB 607-FN**, relative to the determination of just compensation in eminent domain proceedings.
- HB 610-FN-L**, relative to reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state college.
- HB 612-FN-L**, increasing state appropriations to school districts for certain special education costs.
- HB 618-FN-A**, establishing a property tax cap for persons over 65 years of age.
- HB 622-FN**, excluding tax abatement sessions from nonpublic sessions and including costs for non-attorney representatives under the right-to-know law.
- HB 640-FN**, relative to post-conviction DNA testing.
- HB 641-FN-A-L**, targeting aid for education to certain school districts.
- HB 643-FN**, relative to establishing the family division of the courts statewide.
- HB 645-FN-A-L**, establishing a pilot program for partial tax abatements on new construction of private schools.
- HB 649-FN-A**, creating certain positions within the office of state planning and the university system of New Hampshire and making an appropriation therefor.
- HB 651**, relative to portability of retirement plan funds into the New Hampshire retirement system and the purchase of prior service.
- HB 652-FN**, relative to qualified wellness or disease management programs.
- HB 653-FN-A**, authorizing the production of industrial hemp.
- HB 656-FN**, repealing the family division pilot program.
- HB 664-FN**, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks.
- HB 681-FN-L**, relative to the allocation of a municipality's share of county taxes.
- HB 686-FN**, relative to health insurance provided through the state.
- HB 689-FN**, relative to drivers' licenses issued to persons under the age of 21.
- HB 695-FN**, making placement of political advertising on public property subject to state litter laws.
- HB 697-FN**, relative to the sale of motor fuel.
- HB 698-FN**, relative to electronic toll collection.
- HB 704-FN**, relative to the retirement system classification for the director of field services, department of corrections.
- HB 712-FN**, relative to long-term care.
- HB 713-FN**, relative to the penalty for violating a zoning ordinance.
- HB 715-FN**, requiring persons found incompetent to stand trial to be placed in the secure psychiatric unit.
- HB 716-FN**, repealing the procedures for administration of small estates.
- HB 726-FN**, relative to enforcement of spousal support orders by the department of health and human services.
- HB 727-FN-L**, revising the school administrative unit system.
- HB 729-FN**, relative to the regulation of tanning facilities.
- HB 730-FN-L**, relative to workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases.
- HB 734-FN-A**, establishing a pilot program to open the state house on Saturdays.

**HB 736**, relative to duties of the fish and game commission and complaints against fish and game commissioners.

**HB 739-FN-A**, relative to the medicaid provider reimbursement system; and business and enterprise tax deductions for employers that offer long term care policies; study of the nursing leveraged scholarship program; development of a plan to establish nursing programs at the community technical colleges; the information and referral network for elderly and chronically ill adults and making an appropriation therefor.

**HB 746-FN-A**, revising the property tax relief program.

**HB 747**, establishing the crime victim employment leave act.

**HB 754-FN-L**, establishing an education certificate program to allow parental choice in the selection of schools for children.

**HB 755**, relative to the burden of proof in child abuse and neglect proceedings.

**HB 756-L**, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system.

**HB 759**, relative to personal health and financial information privacy.

**HB 760-FN-A**, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor.

**HB 761**, enabling towns to adopt subdivision regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions.

**HB 765-FN**, relative to consideration of a light rail commuter system and establishing a commission to oversee light rail progress.

**HB 767-FN**, relative to political advertising not authorized by the candidate.

**HB 771-FN**, repealing exemptions to the consumer protection act.

**HB 775**, establishing a New Hampshire presidential primary advisory commission.

**HB 781-FN-A**, establishing the office of corrections ombudsman.

**HB 783-FN**, relative to penalties for simple assault, reckless conduct, and unsworn falsification.

**HB 784-FN-L**, relative to long-term care services.

**HB 785-FN**, requiring the commissioner of the department of education to establish a public school choice initiative.

**HB 793-FN-A**, relative to reimbursement rates for home health services and making an appropriation therefor.

**HB 794**, allowing the department of transportation to lease space for the provision of food service at state highway and turnpike rest stops.

**HB 803-FN-A-L**, establishing the New Hampshire downtown development program.

**HB 812**, relative to state acquisition of privately-owned airports.

**HB 815**, relative to the duties of corporate directors and the procedure for shareholder inspection of records under the New Hampshire Business Corporation Act.

**HB 820-FN-L**, relative to armed services and overseas voting.

**HB 830-FN-A**, creating enterprise zones in which qualifying businesses are eligible for tax credits.

**HB 832-FN**, relative to the privacy of medical records.

**HB 835-FN**, relative to federal highway grant anticipation bonds.

**HCR 10** recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution.

**HCR 11**, relative to state and federal government relations.

**HCR 17**, urging the posthumous promotion of Colonel Edward Ephraim Cross to brigadier general.

**CACR 2**, relating to the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education. Providing that judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

**CACR 5** relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

**CACR 9**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2005 be commissioned for 7-year terms, which may be renewed.

**CACR 10**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral.

**CACR 13**, relating to defining the extent of state responsibility to provide aid for public elementary and secondary education. Providing that the state shall provide aid to school districts with a fiscal capacity that is less than their education need and the aid shall be a minimum of 31 percent of the state average expenditure per public elementary and secondary pupil, calculated at least once in every 5 years.

**SB 19-FN**, relative to notification of groundwater contamination and requiring a certain report from the department of environmental services.

**SB 35**, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works.

**SB 74-FN-A-L**, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs.

**SB 78-FN**, establishing the New Hampshire health care information council.

**SB 95-FN-L**, relative to the development of workforce housing within municipalities.

**SB 99**, relative to high cost mortgage loans.

**SB 128-FN**, transferring the bureau of vital records and health statistics from the department of health and human services to the department of state.

**SB 132-FN-A**, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor.

**SB 159-FN**, relative to milfoil and other exotic aquatic weeds.

**SB 176**, relative to standards for plats recorded in the registry of deeds.

**SB 199**, revising the nurse practice act.

**SB 215-FN**, relative to the use of prerecorded telephone messages for political advocacy.

**SB 222-FN-A**, relative to motor vehicle fees.

**At the time of adjournment from the 2003 session, the following House bills remained in Senate Committees:**

**HB 107**, relative to bingo.

**HB 108**, relative to the adoption of an optional veterans' property tax credit.

**HB 121**, relative to grounds for modification of a permanent child custody order.

**HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

**HB 167**, relative to complaints against judges.

**HB 258**, relative to the community-technical college system.

**HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

**HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

**HB 326**, relative to establishing a 6-year capital budget.

**HB 384**, relative to financial affidavits in domestic relations cases.

**HB 464-FN**, establishing a criminal penalty for facilitating a drug or underage alcohol house party.

**HB 499**, expanding opportunities for teacher certification.

**HB 620-FN**, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors.

**HB 630-FN**, relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

**HB 749**, relative to the description in a criminal complaint of the party accused.

**HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections.

## **COMMITTEES CREATED BY 2003 CHAPTERS**

### **EXTENDED REPORTING DATES FOR CHAPTER STUDY COMMITTEES**

**COMMISSION ON THE EDUCATION OF THE DEAF** (HB 1283, Chapter 43:2, Laws of 2000). Reporting date extended by SB 193, Chapter 167:1, Laws of 2003.

**COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT** (HB 1390, Chapter 114:2, Laws of 2000). Reporting date extended by HB 393, Chapter 196:1, Laws of 2003.

**EMINENT DOMAIN PROCEEDINGS STUDY** (SB 187, Chapter 68:1, Laws of 2002). Reporting date extended by SB 91, Chapter 62:1, Laws of 2003.

**EXEMPTION FROM PROPERTY TAXES FOR NOT-FOR-PROFIT HOSPITALS** (HB 424, Chapter 121:1, Laws of 2002). Reporting date extended by HB 172, Chapter 45:1, Laws of 2003.

**GRAFTON COUNTY COURT PILOT PROJECT OVERSIGHT COMMITTEE** (SB 124, Chapter 243:3, Laws of 2002). Reporting date extended by SB 86-FN, Chapter 206:6, Laws of 2003.

**SECURE FACILITIES AND COMMUNITY SHELTER CARE FACILITIES TO SERVICE JUVENILES** (SB 55, Chapter 97:3, Laws of 2001). Reporting date extended by SB 193, Chapter 167:2, Laws of 2003.

**WATER WITHDRAWALS ON INSTREAM FLOWS STUDY** (SB 330, Chapter 242:2, Laws of 2000). Report date extended by HB 4, Chapter 319:50, Laws of 2003.

### **STATUTORY COMMITTEES AMENDED**

**ADMINISTRATIVE RULES** (RSA 541-A:2). Amended by HB 66-FN, Chapter 137:1, Laws of 2003 and HB 4, Chapter 319:160, Laws of 2003.

**ASSESSING STANDARDS BOARD** (RSA 21-J:14-a). Amended by HB 242, Chapter 274, Laws of 2003.

**BOARD OF CLAIMS** (RSA 541-B:3). Amended by HB 269, Chapter 83, Laws of 2003.

**BREATH ANALYZER MACHINES ADVISORY** (RSA 106-G:1). Membership amended by HB 4, Chapter 319:93, Laws of 2003.

**ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE** (RSA 374-F:5). Amended by SB 170, Chapter 21:6, Laws of 2003 to issue report on Transition and Default Services by November 1, 2004.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE** (RSA 126-A:13). Duties amended by HB 831, Chapter 78:1, Laws of 2003.

**NEW ENGLAND HIGHER EDUCATION BOARD** (RSA 200-A:3). Membership amended by SB 51, Chapter 38:1, Laws of 2003.

**NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION** (RSA 12-H:1). Amended by HB 663, Chapter 223:23, Laws of 2003 to add a member.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS** (RSA 227-M:4). Amended by HB 4, Chapter 319:170, Laws of 2003.

**PERMISSIBLE FIREWORKS REVIEW COMMITTEE** (RSA 160-C:13). Alternate Senate member amended by HB 86, Chapter 6:1, Laws of 2003.

**PUBLIC HIGHER EDUCATION STUDY COMMITTEE** (RSA 187-A:25-a). Duties amended by SB 22, Chapter 49:1, Laws of 2003.

**STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE** (RSA 193-C:7). Duties of the committee repealed and re-enacted in HB 139, Chapter 314:8, Laws of 2003.

**TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE** (RSA 12-A:46). Repeal date changed to July 1, 2008 by HB 91, Chapter 7:2, Laws of 2003.

**WEBSTER INTERNET SITE ADVISORY BOARD** (RSA 201-A:27). Amended by HB 663, Chapter 223:21, Laws of 2003 to add members and duties.

### **STATUTORY COMMITTEES REPEALED**

**INFORMATION TECHNOLOGY MANAGEMENT ADVISORY BOARD** (RSA 21-I:71). Repealed by HB 663, Chapter 223:17, Laws of 2003.

## CHAPTER STUDIES

**HB 4, (Chapter 319:138, Laws of 2003) – APPLICATION OF THE COMMUNICATIONS SERVICES TAX TO THE PROVISION OF INTERNET SERVICES**

Reps. David P. Currier, Roy D. Maxfield and John M. Gibson, appointed by the Speaker of the House.  
Sens. Robert K. Boyce, Lou D'Allesandro and Clifton C. Below, appointed by the Senate President.

**HB 4 (Chapter 319:146, Laws of 2003) – COMMISSION TO RECOMMEND CHANGES IN THE COMMUNITY MENTAL HEALTH SERVICES AND REVIEW THE DIVISION OF BEHAVIORAL HEALTH SERVICES**

Reps. Peter L. Batula and Neal M. Kurk, appointed by the Speaker of the House of Representatives.  
Sens. Richard P. Green and Joseph D. Kenney, appointed by the President of the Senate.  
Dennis Mackay, Conway and Dale Klatzker, Concord, appointed by the Community Behavioral Health Association.

Nicholas Vailas, Commissioner of the Department of Health and Human Services. Geoffrey C. Souther, Acting Director of the Division of Behavioral Health, Department of Health and Human Services.

Richard Cohen, Esquire, Executive Director of the New Hampshire Disabilities Rights Center, Inc.  
Maryann Doty, Manchester, Daniel A. Bailey, Contoocook and Kevin Ryan, Keene, representing mental health consumers or families utilizing mental health services, appointed by the Governor with the consent of the Council.

**HB 64 (Chapter 24:2, Laws of 2003) – COMMISSION TO STUDY THE CREATION OF AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM**

Sens. Robert E. Clegg, Jr., Joseph A. Foster and Russell E. Prescott, appointed by the President of the Senate.

Reps. Stanley E. Stevens (Criminal Justice), Neal M. Kurk (Finance), Norman L. Major and John E. Tholl (alternate), appointed by the Speaker of the House of Representatives.

Earl M. Sweeney, designee of the Commissioner of the Department of Safety.

Don Veno, Concord, designee of the Commissioner of the Department of Corrections.

Ann M. Rice, designee of the Attorney General.

Hon. Larry Smukler, designee of the Chief Justice of the Supreme Court.

Donald D. Goodnow, Esquire, Director of the Administrative Office of the Courts.

Chris Keating, Esquire, Executive Director of the New Hampshire Public Defender Program.

The Executive Director of the New Hampshire Civil Liberties Union, or designee

Chief Russell Boynton, Gilmanston, designee of the President of the New Hampshire Association of Chiefs of Police.

The President of the New Hampshire Association of Criminal Defense Lawyers, or designee.

Sandra Matheson, Director Victims-Witness Assistance, appointed by the Governor.

Glenn Libby, North Haverhill and Joseph Panarello, Laconia (alternate), designee of the President of the New Hampshire Association of Counties – County Corrections Superintendents Affiliate.

The Director of the New Hampshire Police Standards and Training Council, or designee.

Thomas P. Colantuono, the United States Attorney for New Hampshire.

**HB 77 (Chapter 75:1, Laws of 2003) – DE NOVO APPEALS PROCESS FROM THE DISTRICT COURTS**

Reps. Robert H. Rowe, John Pratt, Phyllis L. Woods, Harry M. Haytayan and James E. Wheeler, appointed by the Speaker of the House.

**HB 79 (Chapter 272:13, Laws of 2003) – REGULATION OF THE INSTALLATION AND SERVICING OF FIRE DETECTION AND SUPPRESSION SYSTEMS AND THE LICENSURE OF WATER TECHNICIANS**

Reps. Charles Hall, James Fitzgerald and Michael Harrington, appointed by the Speaker of the House.

Sen. Russell E. Prescott, appointed by the President of the Senate.

**HB 171 (Chapter 1:1, Laws of 2003) – COMMISSION TO ASSESS THE OPERATING EFFICIENCY OF STATE GOVERNMENT**

Hon. Keith Herman, member of the Governor's office, appointed by the Governor.

Rep. Edward P. Moran, appointed by the Speaker of the House of Representatives.

Sen. Richard P. Green, appointed by the Senate President.

J. Michael Hickey, Bedford, Jesse Devitte, Concord, Rick Wickson, Derry, John Babiarz, Grafton, Hon. Raymond Wiczorek, Manchester, appointed by the Governor; Raymond E. Pinard, Manchester, Ed Bergeron, North Conway, Gary Levy, Portsmouth, Frank Hodgman, III, Chichester, Hon. William W. Gabler, Hebron, appointed by the Speaker of the House of Representatives; Hon. Franklin Torr, Dover, Stratham, Marc W. Morin, Bow, Laura L. Monica, Bow, Brian Law, Nashua and Charles Paquette, Spofford, appointed by the Senate President.

**HB 179 (Chapter 76:1, Laws of 2003) – ENHANCEMENT OF LAWS RELATING TO VEHICLE PURSUITS**

Reps. John E. Tholl, Stephen H. Nedeau, James H. Oliver, Douglas K. Fish and Elbert I. Bicknell, appointed by the Speaker of the House.

Sen. Charles W. Morse, appointed by the President of the Senate.

**HB 225 (Chapter 117:2, Laws of 2003) - TASK FORCE ON DEAFNESS AND HEARING LOSS**

Rep. James R. MacKay (Health), appointed by the Speaker of the House.

Sen. Andre A. Martel (Public Institutions), appointed by the President of the Senate.

Norman Lafond, Manchester, member from the Governor's Commission on Disabilities, appointed by the Governor.

Joan Marcoux, appointed by the Commissioner of the Department of Health and Human Services. P. Brooks Campbell, appointed by the Commissioner of the Department of Employment Security. Paul Leather and H. Dee Clanton, appointed by the Commissioner of the Department of Education. Elizabeth L. Hodges, Esq., appointed by the Chief Justice of the New Hampshire Superior Court. Terry Linehan, Manchester, President of the New Hampshire Association of the Deaf and Sharon Caserta (alternate), Hudson.

One representative of the New Hampshire Association of the Deaf, appointed by the President of the New Hampshire Association of the Deaf, or designee.

Executive Director, Self Help for the Hard of Hearing, or designee.

One representative from Self Help for the Hard of Hearing, appointed by the President of Self Help for the Hard of Hearing, or designee.

One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the President of the New Hampshire Registry of Interpreters for the Deaf, or designee.

Suzan M. Lehmann, designee of the Attorney General, or designee.

John A. Stephen, designee of the Commissioner of the Department of Safety.

Bill McGonagle, designee of the Commissioner of the Department of Corrections.

Colleen Ives, Acting Director, Granite State Independent Living.

Carol A. Nadeau, Executive Director of the Governor's Commission on Disability.

Susan Wolf-Downes, Executive Director, Northeast Deaf and Hard of Hearing Services, Inc.

Richard Cohen, Concord, Executive Director of the Disabilities Rights Center.

**HB 240 (Chapter 142:1, Laws of 2003) – WAYS TO PREVENT SUICIDE AMONG YOUNG PEOPLE IN NEW HAMPSHIRE**

Reps. Janeen A. Dalrymple, Pamela G. Price, Robert O. Ouellette and Cynthia P. Sweeney (alternate), appointed by the Speaker of the House of Representatives.

**HB 244 (Chapter 77:1, Laws of 2003) – LANDOWNER LIABILITY FOR OWNERS PROVIDING PUBLIC ACCESS TO SNOWMOBILE TRAILS**

Reps. Henry P. Mock, Eric G. Stohl, David H. Russell and Harry C. Merrow, appointed by the Speaker of the House

Sens. John T. Gallus and Robert B. Flanders, appointed by the President of the Senate.

**HB 259 (Chapter 193:3, Laws of 2003) – REGULATION OF GIFT CERTIFICATES UNDER THE CONSUMER PROTECTION ACT**

Sens. Charles Morse and Sheila Roberge, appointed by the President of the Senate.

Reps. John B. Hunt and David R. Meader, appointed by the Speaker of the House of Representatives.

**HB 287 (Chapter 255:1, Laws of 2003) – COMMISSION TO STUDY PROFESSIONAL MALPRACTICE CLAIMS UNDER RSA 519-A**

Reps. Harry M. Haytayan, Sheila T. Francoeur and James R. MacKay, appointed by the Speaker of the House.

Sen. Russell E. Prescott, appointed by the President of the Senate.



Dr. Dennis P. Pellegrino, Walpole and Dr. Richard J. Rosato, Concord, appointed by the New Hampshire Dental Society.

Dr. Gary Woods and Dr. John Butterly, appointed by the New Hampshire Medical Society.

Kevin F. Dugan, Manchester and Kenneth D. Murphy, appointed by the New Hampshire Trial Lawyers Association.

Lucy Hodder, Concord and James P. Bassett, Concord, appointed by the Governor.

Ronald Trahan, representative of the Medical Liability Insurance Carriers, appointed by the Insurance Commissioner.

Scott Monahan, representative of the Joint Underwriters Association, appointed by the Insurance Commissioner.

Paula Minnehan and Leslie Melby, representatives of the New Hampshire Hospital Association, appointed by the association.

William S. McGraw, Merrimack County Superior Court Clerk, appointed by the Chief Justice of the Superior Court.

### **HB 287 (Chapter 255:6, Laws of 2003) – COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES**

Reps. Peter L. Batula (Health), Charles E. McMahon and James W. Craig, appointed by the Speaker of the House.

Sen. Andre A. Martel, appointed by the President of the Senate.

Rachel Rowe and Joseph M. Conley, appointed by the New Hampshire Hospital Association.

Denis Fortier, Keene and James Queenan, Nashua, appointed by the New Hampshire Board of Pharmacy.

Dr. Peter Forssell and Dr. Robert LaFlam, appointed by the New Hampshire Medical Society.

Sue Fetzter, Henniker and Polly Clough, Laconia, appointed by the New Hampshire Nurses Association.

Clare M. Hinckley and Richard E. Fradette, appointed by the New Hampshire Bar Association.

David Withers, designee of the Commissioner of the Department of Insurance.

Matson Sewell, Lebanon, Stephen Plume, White River Junction and Jeffrey S. Newman, Concord, appointed by the Governor.

Sandra Gee, Claremont and Gloria Thorington, Laconia, appointed by the New Hampshire Association for Healthcare Quality.

### **HB 310 (Chapter 277:1, Laws of 2003) – COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES**

The Governor, or a designee.

Sens. Clifton C. Below and Frank V. Sapareto, appointed by the President of the Senate.

Reps. Thomas I. Arnold and David A. Bickford, appointed by the Speaker of the House of Representatives.

The Administrator of the Office of Child Support Enforcement Services, or a designee.

Dianne Gilbert, Epping and Shelly Uscinski, Merrimack, representing the interests of custodial parents, appointed by the Governor.

Dr. Gene Berg, Bedford and Hon. Gerald Taube, Durham representing the interests of non-custodial parents, appointed by the Governor.

Jeffrey Runge and Gary Gagnon, Jr., Ossipee representing the interests of joint or shared custody parenting arrangements, appointed by the Governor.

Attorney Tom Cooper, Concord, appointed by the chief justice of the superior court or guardian ad litem board.

Catherine A. Feeney, designee of the New Hampshire Bar Association.

### **HB 343 (Chapter 103:1, Laws of 2003) – BOUNDARY COMMISSION TO STUDY BOUNDARY BETWEEN NEW HAMPSHIRE AND MAINE**

Reps. Clifford A. Newton, Laura C. Pantalakos, Richard F. Heon and David A. Welch (alternate), appointed by the Speaker of the House of Representatives.

Sens. Russell E. Prescott, and Frank V. Sapareto, appointed by the President of the Senate.

Chris Reid, appointed by the Governor.

Sr. Assistant Attorney General Brian Quirk, designee of the Attorney General.

The Commissioner of the Department of Transportation, or designee.

Leslie Ludtke, Esquire, attorney who represented the state in the boundary litigation between New Hampshire and Maine, appointed by the Speaker of the House of Representatives.

**HB 461 (Chapter 227:2, Laws of 2003) – FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES**

Reps. James R. MacKay, Joseph P. Manning and Joseph M. Miller, appointed by the Speaker of the House.

Sen. Andre A. Martel, appointed by the President of the Senate.

Carol Stamatakis, designee of the Commissioner of the Department of Health and Human Services.

Douglas P. McNutt, Director of the Division of Elderly and Adult Services, Department of Health and Human Services.

John R. Maher, Administrative Judge of the Probate Courts.

David A. Rienzo, Assistant Attorney General, designee of the Attorney General.

Jeffrey S. Cahill, Director, Medicaid Fraud Control Unit, appointed by the Attorney General.

Marlene H. Gardner, Newport, representative of the New Hampshire banking industry, appointed by the New Hampshire Bankers Association.

John S. Kitchen, Esq., Laconia, appointed by the New Hampshire Bar Association.

Linda Mallon, representative of a public guardianship agency, appointed by the Governor.

Jeffrey C. Czarneck, local law enforcement officer, appointed by the Governor.

**HB 470 (Chapter 284:4, Laws of 2003) – CONTRACTING PROCESS BETWEEN MANAGED CARE INSURERS AND HEALTH CARE PROVIDERS STUDY**

Reps. Paul D. Spiess, George J. Liebl and Stephen T. DeStefano, appointed by the Speaker of the House.

Sens. Robert B. Flanders, Andre A. Martel and Iris W. Estabrook, appointed by the President of the Senate.

**HB 481 (Chapter 228:2, Laws of 2003) – PRICING OF MILK PRODUCTS**

Reps. Leo W. Fraser, Stella Scamman and Derek Owen, appointed by the Speaker of the House.

Sens. John S. Barnes, Jr., Clifton C. Below and Burton J. Cohen, appointed by the President of the Senate.

**HB 502 (Chapter 18:1, Laws of 2003) – REDUCTION OF EXHAUST EMISSIONS FROM DIESEL ENGINES IMPACT STUDY**

Reps. Lawrence C. Ross, Edward H. Nutter, Robert J. Letourneau, Roy D. Maxfield and Naida L. Kaen and Ruth Bleyler (alternate), appointed by the Speaker of the House.

Sens. Russell E. Prescott and Clifton C. Below, appointed by the President of the Senate.

**HB 606 (Chapter 287:3, Laws of 2003) – COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW**

Reps. John H. Thomas (Science), James E. Twombly (Municipal) and Harry M. Haytayan, Jr. (Judiciary), appointed by the Speaker of the House.

Sens. Robert K. Boyce, Sylvia B. Larsen and John S. Barnes, appointed by the President of the Senate.

John A. Lassey, Manchester, Peter Smith, Durham and Dean Shankle, Merrimack, appointed by the New Hampshire Municipal Association.

Attorney Daniel Harkinson, Rochester, appointed by the New Hampshire School Boards Association.

Dr. Raymond Yeagley, Rochester, appointed by the New Hampshire School Administrators Association.

Hon. L. Randy Lyman, Ossipee and Eileen Bolander, North Haverhill, appointed by the New Hampshire Association of Counties.

Peter Croteau (information technology), Steve Judge (attorney), Concord, Hon. Harriet Cady, Deerfield, Corrine Cormiea, Amherst, appointed by the Governor with the consent of the Council.

Mary Schwarzer, Assistant Attorney General, designee of the Attorney General.

**HB 608-FN-L (Chapter 241:28, Laws of 2003) – METHOD OF DISTRIBUTION OF EDUCATION AID UNDER EXISTING LAW STUDY**

Reps. Frederick W. King, David W. Hess and Norman L. Major, appointed by the Speaker of the House.

Sens. Theodore L. Gatsas, Charles W. Morse and Jane E. O'Hearn, appointed by the President of the Senate.

**HB 680 (Chapter 293:1, Laws of 2003) – SERVICE CONTRACTS, INCLUDING PREPAID LEGAL SERVICE CONTRACTS STUDY**

Reps. John B. Hunt, Jane S. Langley and Tara G. Reardon, appointed by the Speaker of the House.  
Sens. Andrew R. Peterson, Sheila Roberge and Joseph A. Foster, appointed by the President of the Senate.

**HB 705 (Chapter 270:1, Laws of 2003) – APPLICATION OF THE COMMUNICATIONS SERVICES TAX**

Reps. Kurt J. Roessner, David W. Hess, Paul R. Hatch, Lawrence C. Ross and Stephen T. DeStefano, appointed by the Speaker of the House.  
Sens. Richard P. Green, Bob Odell, Russell E. Prescott, Lou D'Allesandro and Robert K. Boyce, appointed by the President of the Senate.

**HB 768 (Chapter 233:2, Laws of 2003) – CONNECTICUT RIVER FLOW STUDY**

Reps. Eric G. Stohl, John Alger, Leighton C. Pratt, Henry A.L. Parkhurst and John R.M. Alger (alternate), appointed by the Speaker of the House.  
Sens. John T. Gallus, Carl R. Johnson and Sheila Roberge, appointed by the Senate President.

**HB 770-FN-A (Chapter 110:1, Laws of 2003) – USE OF TAX POLICY TO CREATE INCENTIVES TO ENCOURAGE EMPLOYERS TO HIRE DISABLED PERSONS**

Reps. Vivian R. Clark, Kurt J. Roessner, Janeen A. Dalrymple, Russell T. Ober and Clifford A. Newton, appointed by the Speaker of the House.  
Sen. Frank V. Sapareto, appointed by the President of the Senate.

**HB 825 (Chapter 157:1, Laws of 2003) – METHODS OF SAFELY REDUCING THE PRISON POPULATION OF THE STATE.**

Reps. Karl I. Gilbert, Paul Ingbretson, Laura C. Pantelakos and Russell T. Ober (alternate), appointed by the Speaker of the House.  
Sens. Bob Odell and John T. Gallus, appointed by the President of the Senate.

**SB 36-FN (Chapter 96:4, Laws of 2003) – LICENSE SUSPENSION LAWS FOR DRIVING UNDER THE INFLUENCE OF DRUGS AND THE SPEED OF DISTRICT COURT ADJUDICATION**

Sens. Andrew R. Peterson, Robert K. Boyce and Sheila Roberge, appointed by the President of the Senate.  
Reps. Stanley E. Stevens, John E. Tholl and E. Albert Weare, appointed by the Speaker of the House.

**SB 70 (Chapter 236:1, Laws of 2003) – IMPLEMENTING A RECOMMENDATION OF THE NEW HAMPSHIRE ESTUARIES PROJECT MANAGEMENT PLAN**

Sen. Russell E. Prescott, appointed by the President of the Senate.  
Rep. Kurt J. Roessner, appointed by the Speaker of the House.  
One member, appointed by the Governor.  
John Skewes, Kensington, Dean Peschel, Dover, Janet Wall, Madbury, Lawrence K. Smith, East Kingston, B. Sharon Meeker, Lee, W. Douglas Scamman, Jr., Stratham, Martin Wool (alternate), Stratham, Bruce Dearborn, Greenland, Russell McAllister, Rochester, Robert Levesque, Durham, Stephen R. Fournier, Northwood, Grace Bottitta, Exeter, Peter Rice, Portsmouth - One member from each participating town or city along the Great Bay estuary, river basin, and the estuarine watersheds, appointed by the governing body of the town or city.  
Cynthia Copeland, Strafford Regional Planning Commission, appointed by the Commission.  
One member of the Rockingham Regional Planning Commission, appointed by the Commission.  
One Strafford County Commissioner, appointed by the County Commission.  
One Rockingham County Commissioner, appointed by the County Commission.  
John R. Bush and George C. Berlandi (alternate), designee of the Commissioner of the Department of Environmental Services.

The reserve manager of the Great Bay National Estuarine Research Reserve.

The Director of the Office of State Planning, or designee.

**SB 73 (Chapter 213:1, Laws of 2003) – ESTABLISHING ENTERPRISE ZONES IN ECONOMICALLY DEPRIVED OR CHALLENGED COMMUNITIES STUDY**

Sens. Bob Odell and John T. Gallus, appointed by the President of the Senate.  
Reps. Jeffrey D. Gilbert, Robert L. Theberge, Stephen B. Stepanek and Frederick W. King, appointed by the Speaker of the House.

**SB 87 (Chapter 302:1, Laws of 2003) – SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY**

Sens. John T. Gallus and Clifton C. Below, appointed by the President of the Senate.

Rep. Timothy J. Allen, Emma L. Rous and Betsy L. Patten (alternate), appointed by the Speaker of the House.

James Robertson, Contoocook, appointed by the Rivers Management Advisory Committee.

Two local river management advisory committee members; one appointed by the Connecticut River Joint Commissions, Upper Merrimack River Local Advisory Committee, and the Pemigewasset River Local Advisory Committee, and one appointed by the remaining 11 local river management advisory committees.

One conservation and recreation representative appointed by the New Hampshire Rivers Council, Sierra Club, New Hampshire Association of Conservation Commissions, and the Appalachian Mountain Club.

Steve Couture, Rivers Coordinator, representing Rivers Management and Protection Program, appointed by the Commissioner of Environmental Services.

One representative from the New Hampshire Department of Environmental Services, residuals management program, appointed by the Commissioner of Environmental Services.

One representative from the New Hampshire Department of Agriculture, Markets, and Food, appointed by the Commissioner of Agriculture, Markets, and Food.

Thomas E. Buob, North Haverhill, appointed by the University of New Hampshire Cooperative Extension.

One agricultural representative appointed by the New Hampshire Farm Bureau Federation and the New Hampshire Association of Conservation Districts.

Shelagh Connelly, Ashland, appointed by the New England Biosolids and Residuals Association.

One member of the Natural Resource Conservation Service, appointed by such organization.

One representative appointed by the New Hampshire Municipal Association.

One academic representative from the university of New Hampshire at Durham, with expertise in soils and/or water quality, appointed by the university.

**SB 116 (Chapter 160:1, Laws of 2003) – METHODS TO PREVENT OR REDUCE THE HIGH SCHOOL DROPOUT RATE**

Sens. Bob Odell, Jane E. O'Hearn and Andrew R. Peterson, appointed by the President of the Senate.

Reps. Debra A. Naro, Sharon M. Carson and Nancy M. Scovner, appointed by the Speaker of the House.

**SB 155 (Chapter 305:1, Laws of 2003) – COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS**

Sens. Carl R. Johnson, Richard P. Green and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. David L. Babson, Richard T. Cooney and Judith T. Spang, appointed by the Speaker of the House.

A representative of public water supplier interests, nominated by the New Hampshire Water Works Association, and appointed by the Governor.

The Commissioner of the Department of Environmental Services, or designee.

One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the Governor.

A representative of the International Bottled Water Association, nominated by the association, and appointed by the Governor.

Two members of the public, appointed by the Governor.

Two Representatives of different business water users, nominated by the Business and Industry Association of New Hampshire, and appointed by the Governor.

A representative of municipal interests, nominated by the New Hampshire Municipal Association, and appointed by the Governor.

A representative of the Society for the Protection of New Hampshire Forests, nominated by the society, and appointed by the Governor.

A representative of the New Hampshire Farm Bureau, nominated by the bureau, and appointed by the Governor.

A representative of recreational interests, appointed by the Governor.

A representative of the joint board of professional engineers, architects, land surveyors, foresters, professional geologists, and natural scientists who shall be a hydrologist or geologist, appointed by the Governor.

A representative of the New Hampshire Association of Conservation Commissions, nominated by the association, and appointed by the Governor.

A representative of construction and mining activities, nominated by the Associated General Contractors of New Hampshire, and appointed by the Governor.

**SB 157 (Chapter 179:1, Laws of 2003) – MUNICIPAL PLANNING ISSUES STUDY**

Sens. Richard P. Green, Robert E. Clegg, Jr. and Joseph A. Foster, appointed by the President of the Senate.

Reps. Betsy L. Patten, Thomas J. Gillick and Jessie L. Osborne, appointed by the Speaker of the House.

**SB 166 (Chapter 72:1, Laws of 2003) – INCENTIVES FOR SCHOOL DISTRICTS TO PROVIDE MENTORING FOR BEGINNING TEACHERS.**

Sens. Jane E. O'Hearn, Iris W. Estabrook and Richard P. Green, appointed by the President of the Senate.

Reps. Clair A. Snyder, John J. Laurent and Russell T. Ober, appointed by the Speaker of the House.

**STATUTORY COMMITTEES**

**RSA 4-D:4,I (established by HB 663-FN-A-L, Chapter 223:15, Laws of 2003) – INFORMATION TECHNOLOGY COUNCIL**

Donald S. Hill, Commissioner of Administrative Services.

The Commissioner of Transportation, or designee.

Kathy Walker, designee of the Commissioner of Health and Human Services.

The Commissioner of Safety, or designee.

Robin Paveglio, Concord, designee of the Commissioner of Revenue Administration.

Roger Sevigny, Insurance Commissioner and Mike Nolin, Commissioner of Environmental Services, appointed by the Governor.

Sen. Robert K. Boyce, appointed by the Senate President for the duration of his or her legislative term.

Rep. Albert W. Hamel, appointed by the Speaker of the House of Representatives for the duration of his or her legislative term.

One representative of municipal government, nominated by the New Hampshire Municipal Association and appointed by the Governor for a 3-year term.

One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the Governor for a 3-year term.

**RSA 4-D:7 (established by HB 663-FN-A-L, Chapter 223:15, Laws of 2003) – INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE**

Reps. Michael O'Neil (Executive Departments), Robert L. Wheeler (Finance) and Daniel A. Eaton, appointed by the Speaker of the House.

Sens. Robert K. Boyce, Bob Odell and Joseph A. Foster, appointed by the President of the Senate.

**RSA 17-Q (established in HB 805, Chapter 155:1, Laws of 2003) – CONSENSUS REVENUE ESTIMATING PANEL**

Reps. Jeffrey D. Gilbert and Peyton B. Hinkle, appointed by the Speaker of the House.

Sens. Robert E. Clegg, Jr. and Lou D'Allesandro, appointed by the President of the Senate.

The Governor's Budget Director.

G. Philip Blatsos, Concord, Commissioner of the Department of Revenue Administration.

The Comptroller of the Division of Accounting Services, Department of Administrative Services, or designee.

Dan Rogers, Windham, Bob Ebbeson, Manchester, Guy Chapdelaine, Bedford, members of the business community with expertise in business and economics, appointed by the Governor.

Ross Gittell, Durham and James Wible, Durham, members of the academic community, appointed by the Governor.

**RSA 99-E (established by SB 16-FN, Chapter 200, Laws of 2003) – GOVERNOR'S INCENTIVE AND REWARD PROGRAM EVALUATION AND REVIEW COMMITTEE**

Joe D'Allesandro, Director of Personnel, who shall serve as chairperson.

Donald S. Hill, Commissioner of Administrative Services.

Two members, appointed by the Governor, who shall serve 2-year terms, one of whom shall be selected from a list provided by a certified public employee bargaining unit.

Sen. Robert K. Boyce, appointed by the Senate President, who shall serve a term coterminous with the member's legislative term.

Rep. Paul G. LaFlamme, appointed by the Speaker of the House of Representatives, who shall serve a term coterminous with the member's legislative term.

**RSA 100-C:11 (created by HB 671, Chapter 311:1, Laws of 2003) – JUDICIAL RETIREMENT BOARD OF TRUSTEES**

Paul Ryder, New Boston, + one other The Governor and Council shall appoint 2 trustees, one of whom the Governor shall designate to serve as Chairman of the Board of Trustees, and who shall be qualified persons with business experience and not members of the Judicial Retirement Plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year.

The Chief Justice of the State Supreme Court, with the advice and consent of the Chief Justice of the Superior Court and the Administrative Justices of the District and Probate Courts, shall appoint 3 trustees, who shall be active members of the Judicial Retirement Plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years.

Sen. Richard P. Green, appointed by the Senate President as a Trustee of the Board.

Rep. Robert L. Wheeler, appointed by the Speaker of the House as a Trustee of the Board.

**RSA 126:24-h (HB 4, Chapter 319:77, Laws of 2003) – IMPROVING THE QUALITY OF VITAL RECORDS INFORMATION**

Robert A. Lambert, Peterborough, appointed by the New Hampshire City and Town Clerks' Association.

A funeral director, appointed by the New Hampshire Funeral Directors' Association.

Bruce Friedman, Etna, appointed by the Board of Medicine.

Doug Hall, Concord, vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the Commissioner.

William R. Bolton, Jr., Registrar of Vital Records.

Kathy Bizarro, Concord, appointed by the New Hampshire Hospital Association.

Dr. Jesse Greenblatt and Andrew Chaisma (alternate), designee of the Commissioner of Health and Human Services.

Sen. Lou D'Allesandro, appointed by the Senate President.

Rep. Albert W. Hamel, appointed by the Speaker of the House of Representatives.

**RSA 171-A:1-c (established by HB 263, Chapter 10:1, Laws of 2003) – DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE**

Reps. Peter L. Batula (Health), Charles E. McMahon, Sandra C. Harris, Eric M. Daniels (alternate), appointed by the Speaker of the House.

Sens. Andre A. Martel, Robert K. Boyce and Iris W. Estabrook, appointed by the President of the Senate.

**RSA 188-E:20 (established by SB 80, Chapter 214:3, Laws of 2003) – AUTOMOTIVE TECHNOLOGY ADVISORY COUNCIL**

Rep. John R.M. Alger, appointed by the Speaker of the House.

Sen. Joseph D. Kenney, appointed by the President of the Senate.

Commissioner of the Department of Education or designee.

Thomas Wisbey, designee of the Commissioner of the Regional Community-Technical College System.

One automotive instructor teaching in the Community-Technical College System, appointed by the Governor and Council.

One secondary education career technical education administrator, appointed by the Governor and Council.

Four members of the New Hampshire Automobile Dealers Association, appointed by the Governor and Council.

**RSA 189:60 (established by HB 619, Chapter 288:1, Laws of 2003) – DROPOUT PREVENTION AND DROPOUT RECOVERY OVERSIGHT COUNCIL**

Rep. Stephen R. L'Heureux, appointed by the Speaker of the House.

Sen. Jane E. O'Hearn, appointed by the President of the Senate.

Paul Leather, designee of the Commissioner of the Department of Education.

Thomas Wiseby, designee of the Commissioner of the Community-Technical College System

Scott Andersen, Center Harbor, Lt. James Brown, Newport and George Cushing, Greenland, qualified by education or experience, in dropout prevention and dropout reduction, appointed by the Governor and Council.

**RSA 420-G:14-c (established by SB 110, Chapter 188:13, Laws of 2003) - SMALL GROUP HEALTH INSURANCE REFORM OVERSIGHT COMMITTEE**

Reps. John B. Hunt, Paul D. Spiess and David R. Meader, appointed by the Speaker of the House.

Sens. Robert B. Flanders and Russell E. Prescott, appointed by the President of the Senate.

**RSA 481:1-b (established by SB 162, Chapter 217:1, Laws of 2003) – WATER RESOURCES STUDY COMMITTEE**

Sens. Richard P. Green, Russell E. Prescott and Iris W. Estabrook, appointed by the President of the Senate.

Reps. Richard T. Cooney, MaryAnn N. Blanchard and W. Packy Campbell, appointed by the Speaker of the House.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

RESIGNED

12/31/02	Hills. 50	Guinta, Frank C., r
5/28/03	Rock. 75	Stritch, C. Donald, r
6/30/03	Hills. 64	Furman, Christine M., r
7/01/03	Hills. 65	Konys, Christine M., d
7/21/03	Ches. 24	Batchelder, Robert C., d
9/04/03	Rock. 77	Dupuis, Roland L., r
9/18/03	Merr. 34	Colcord, J.D., r
10/10/03	Merr. 33	Ouellette, Robert O. , r
11/07/03	Rock. 82	Davidson, Robert A., Jr., d

DECEASED

8/11/03	Hills. 57	Goulet, Maurice E., r
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SPECIAL ELECTIONS

3/19/03	Hills. 50	Katsiantonis, Thomas, d
10/22/03	Hills. 57	Michon, Stephen T., d
12/17/03	Hills. 64	Martin, Mary Ellen T., d

CHANGE IN PARTY AFFILIATION

12/19/02	Graf. 15	Naro, Debra A., (d to r)
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PARTY BREAKDOWN ON THE 400 SEATS

Republicans:	233 R	43 R&D	=	276
Democrats:	102 D	15 D&R	=	117

CURRENTLY ELECTED AND QUALIFIED:

Vacancies: Resignations 6, Deaths 1	=	393
	=	007
Total Seats:	=	400
Men: 280, Women: 113		



**TABLE OF REFERENCES  
FROM CHAPTER OF 2003 LAWS TO BILL NUMBERS**

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2	HB 517-L	52	HB 59	102	HB 320
3	SB 14	53	HB 616-FN-L	103	HB 343
4	HB 69	54	SB 104	104	HB 379
5	HB 76	55	HB 402	105	HB 477
6	HB 86	56	HB 436	106	HB 529
7	HB 91	57	SB 39	107	HB 571-FN-L
8	HB 99	58	SB 48	108	HB 593-FN-L
9	HB 128	59	SB 52	109	HB 639-FN-L
10	HB 263	60	SB 57-FN	110	HB 770-FN-A
11	HB 233	61	SB 66-FN-A-L	111	HB 802-FN-A
12	HB 246	62	SB 91	112	HB 808
13	HB 260	63	SB 129	113	HB 834-L
14	HB 270	64	SB 138-FN	114	SB 34
15	HB 271	65	SB 165	115	SB 53
16	HB 321	66	SB 171,	116	SB 101-FN
17	HB 498	67	SB 173	117	HB 225
18	HB 502	68	SB 219	118	HB 434-L
19	HB 833-1	69	HB 212	119	HB 699-FN
20	HB 305	70	HB 253	120	SB 206-FN
21	SB 170	71	SB 56-FN	121	HB 131
22	HB 101	72	SB 166	122	HB 159
23	HB 678-FN	73	SB 190	123	HB 160
24	HB 64	74	SB 198	124	HB 356-FN
25	HB 151	75	HB 77	125	HB 404
26	HB 61	76	HB 179	126	HB 519-FN-A
27	HB 120	77	HB 244	127	HB 596-FN
28	HB 126	78	HB 831	128	HB 659-FN
29	HB 181	79	HB 153-FN	129	HB 711-FN
30	HB 183	80	HB 192	130	HB 778-L
31	HB 186	81	HB 208	131	HB 806
32	HB 223	82	HB 218	132	HB 166
33	HB 277-FN	83	HB 269-FN	133	HB 413-L
34	HB 358-FN-L	84	HB 394	134	HB 446
35	HB 469	85	HB 423	135	HB 807-FN
36	HB 485	86	HB 497	136	SB 142-FN
37	SB 24	87	HB 506	137	HB 66-FN
38	SB 51-FN	88	HB 561	138	HB 75
39	SB 68	89	HB 661-FN-L	139	HB 82
40	HB 104-FN	90	HB 766	140	HB 123
41	SB 26	91	HB 515	141	HB 214
42	HB 156	92	HB 231	142	HB 240
43	HB 732-FN	93	HB 658-FN	143	HB 431
44	HB 132	94	SJR 1	144	HB 460-FN
45	HB 172	95	SB 32	145	HB 533
46	HB 182	96	SB 36-FN	146	HB 560
47	HB 184	97	SB 43	147	HB 564-FN
48	HB 435	98	SB 79-FN-L	148	HB 578-FN-A
49	SB 22	99	SB 82	149	HB 617-FN
50	HB 92	100	HB 211	150	HB 684-FN

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
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152	HB 694-FN	202	SB 46-FN	252	HB 198
153	HB 703-FN	203	SB 58-FN-A	253	HB 204
154	HB 758-FN	204	SB 76	254	HB 261
155	HB 805	205	SB 77	255	HB 287
156	HB 816	206	SB 86-FN	256	HB 288-FN
157	HB 825	207	SB 90-FN	257	HB 323
158	SB 40	208	SB 119	258	HB 332-FN
159	SB 113	209	SB 136	259	HB 389
160	SB 116	210	SB 149-FN	260	HB 420
161	SB 133	211	SB 161	261	HB 509
162	SB 135	212	HJR 3	262	HB 558
163	SB 139	213	SB 73	263	HB 590
164	SB 177	214	SB 80	264	HB 709-FN
165	SB 180	215	SB 85-FN	265	HB 718-FN
166	SB 181	216	SB 152	266	HB 577-FN-A-L
167	SB 193	217	SB 162	267	HB 811
168	SB 221-FN	218	SB 184	268	SB 134
169	SB 226-L	219	HB 178	269	SB 174
170	HB 819	220	HB 295	270	HB 705
171	HB 591-FN	221	HB 302-FN	271	SB 154
172	HB 605-FN	222	HB 568-L	272	HB 79
173	HB 763-FN	223	HB 663-FN-A-L	273	HB 135-FN-L
174	HB 368	224	HB 810-FN-A	274	HB 242
175	HB 507	225	HB 81-FN-A	275	HB 248
176	HB 565-FN-A	226	HB 105	276	HB 303
177	HB 728-FN-A	227	HB 461	277	HB 310
178	HB 738-FN-A-L	228	HB 481	278	HB 316-FN
179	SB 157	229	HB 598-FN-A	279	HB 336-L
180	HB 601	230	HB 633-FN	280	HB 357-FN
181	HB 690-FN	231	HB 646-FN	281	HB 361-L
182	HB 725	232	HB 677-FN	282	HB 387-FN
183	HB 753	233	HB 768	283	HB 415
184	SB 178	234	SB 23-FN	284	HB 470
185	SB 94-FN	235	SB 69-FN-A	285	HB 543
186	SB 114	236	SB 70	286	HB 546
187	SB 47-FN	237	SB 130-FN-L	287	HB 606
188	SB 110	238	SB 164	288	HB 619-FN-A
189	HB 112-FN	239	SB 197-FN	289	HB 627-FN
190	HB 205	240	HB 25-FN-A	290	HB 654
191	HB 210-FN-A	241	HB 608-FN-L	291	HB 669-FN
192	HB 245	242	HB 719-FN-A	292	HB 670-FN
193	HB 259	243	HB 521-FN	293	HB 680-FN
194	HB 281	244	SB 42	294	HB 702-FN
195	HB 296	245	SB 62	295	HB 748
196	HB 393	246	SB 115	296	HB 751-FN-L
197	HB 447	247	SB 120	297	SB 41-FN
198	HB 486	248	SB 223-FN-A	298	SB 44
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304	SB 121-FN	311	HB 671-FN-A	318	HB 3-A
305	SB 155	312	HB 798	319	HB 4-FN-A-L
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307	SB 54-FN-L	314	HB 139		

**2003**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HA	House Address
HB	House Bills
HJR	House Joint Resolutions
HCO	House Concurrent Order
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SJR	Senate Joint Resolution
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
vac	vacate
wthd	withdrawn

## 2003 SESSION

### HOUSE ADDRESS

**HA 1**, for the removal of Wayne Vetter, executive director of the fish and game department, from his said office. (Rep. Hopper, Hills 48; et al: Joint Committee on Address)  
68, withdrawn from joint committee, LT & remarks 998-999, Clerk's note, died on table 1002

## 2003 SESSION

### HOUSE BILLS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Kurk, Hills 48; et al: Finance)  
184, rules suspended 517, am (5 RCs) 633-648, psd 668, nonconc S am, conf 836-838, 859, 868, 873, rep adop (RC)886-888, enr 909, veto sustained (2 RCs) & remarks 915-934

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 48; et al: Finance)  
184, rules suspended 517, am (RC) 648-667, psd 668, nonconc S am, conf 838, 859, 868, 872, rep adop 888, enr am 909-910, enr 911, veto sustained (RC) 934-937

**HB 3-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004 and June 30, 2005. (Chandler, Carr 4; et al)  
rules suspended, intro 956-957, rules suspended, action after deadline (RC) 957-959, psd (RC) 959-996, S conc & enr 966, report date extended & committee amended 1008, appointments 1009, 1016 (Chapter 318)

**HB 4-FN-A**, relative to state fees, funds, revenues, and expenditures. (Chandler, Carr 4; et al)  
rules suspended, intro 956-957, rules suspended, action after deadline & psd (RC) 962-965, S conc & enr 966 (Chapter 319)

**HB 5 through 24**, not introduced

**HB 25-FN-A**, making appropriations for capital improvements. (E. Smith, Ches 26: Public Works and Highways)  
181, rules suspended 346, am & Finance 523-532, am 567-578, psd 627, nonconc S am, conf 839, 868, 872, rep adop & protest 888-889, enr am 914, enr 915(Chapter 240)

**HB 26 through 50**, not introduced

**HB 51**, apportioning state representative districts. (Leach, Hills 42; et al: Election Law)  
22, rem 211, SO 271, K (RC) 274-276

**HB 52-FN**, relative to the licensure of shampoo assistants by the board of barbering, cosmetology, and esthetics. (Hall, Hills 58; et al: Executive Departments and Administration)  
22, K 95-96

**HB 53**, relative to retail motor vehicle sales. (Greenberg, Hills 50: Transportation)  
22, ret 1003

**HB 54**, establishing a committee to study the eligibility for school building aid of certain public academies which serve as the local school for their communities. (M. Harrington, Straf 68; Education)  
22, K 99

**HB 55**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. (M. Harrington, Straf 68; et al: Executive Departments and Administration)  
22, K (RC) 165-168

**HB 56**, establishing a study committee to examine the state foster care system. (Batula, Hills 58; et al: Children and Family Law)  
22, K 346-347

- HB 57**, relative to the use of inhalers by pupils and campers with asthma. (Batula, Hills 58; et al: Health, Human Services & Elderly Affairs)  
22, rem 71, am 85-87, psd 91, S conc 669, enr am 670-672, enr 673 (Chapter 51)
- HB 58**, requiring the department of transportation to study and report on the advantages of constructing state-owned truck service centers. (Shultis, Rock 86; et al: Public Works and Highways)  
22, rem 127, K 141
- HB 59**, relative to court reporting. (Wall, Straf 72; et al: Judiciary)  
22, rem 71, am 89-90, psd 91, S conc 669, enr am 672, enr 673 (Chapter 52)
- HB 60**, changing the name of the advisory committee on shore fisheries. (McKinney, Rock 75; et al: Fish and Game)  
**new title:** changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.  
22, am 411-412, psd 518, S conc 669, enr 670, veto sustained(RC) 981-984
- HB 61**, relative to the taking of migratory game birds in the Connecticut River zone. (McKinney, Rock 75: Fish and Game)  
22, am 289-290, psd 315, S conc 628, enr am 631-632, enr 669 (Chapter 26)
- HB 62-FN-A**, relative to the repair or replacement of a certain bridge over the Merrimack River between Canterbury and Boscawen and making an appropriation therefor. (Lockwood, Merr 35; et al: Public Works and Highways)  
22, K 77
- HB 63-FN**, exempting OHRVs used solely for ice fishing on public bodies of water from registration requirements. (Stohl, Coos 1: Resources, Recreation and Development)  
22, K 84
- HB 64**, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (Welch, Rock 79; et al: Criminal Justice and Public Safety)  
22, am 72, psd 90, conc S am 564, enr 668, appointments 1009 (Chapter 24)
- HB 65**, relative to educational assistance for national guard members. (Coughlin, Hills 45; et al: State-Federal Relations and Veterans Affairs)  
22, ret 1003
- HB 66-FN**, relative to executive agency rulemaking authority. (Heon, Straf 67; et al: Executive Departments and Administration)  
22, am 190-191, psd 210, conc S am 752, enr 869, committee amended 1008 (Chapter 137)
- HB 67**, relative to funding for energy efficiency programs. (V. Clark, Rock 79: Science, Technology and Energy)  
22, K 97-98
- HB 68**, establishing a committee to study judicial review and judicial recall procedures. (V. Clark, Rock 79: Judiciary)  
22, K 75
- HB 69**, relative to the reinstatement of expired licenses for architects. (Goulet, Hills 57; et al: Executive Departments and Administration)  
23, am 74, psd 90, S conc 561, enr 632, (Chapter 4)
- HB 70**, establishing a commission to study government actions that contribute to involuntary homelessness. (Itse, Rock 80; et al: Commerce)  
23, rules suspended 182, K 351
- HB 71**, establishing a committee to study regulations on the use and misuse of non-lethal weapons. (Itse, Rock 80; et al: Criminal Justice and Public Safety)  
23, K 72

- HB 72**, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food. (Rausch, Rock 77: Environment and Agriculture) 23, ret 1003
- HB 73**, establishing a committee to study imposing a recycling fee on new computer purchases. (M. Cooney, Graf 15: Environment and Agriculture) 23, K 216
- HB 74**, establishing a task force on the siting of new district courts. (Elliott, Hills 42; et al: Judiciary) 23, ret 1003
- HB 75**, relative to timber harvesting. (Alger, Graf 14; et al: Resources, Recreation and Development) 23, am 77-79, psd 91, conc S am 757, enr 869 (Chapter 138)
- HB 76**, relative to neighborhood electric vehicles. (Packard, Rock 75; et al: Transportation) 23, am 79-80, psd 91, S conc 561, enr 632 (Chapter 5)
- HB 77**, establishing a committee to study the process of de novo appeals from the district courts. (J. Pratt, Ches 24: Judiciary) 23, psd (RC) 110-113, 120, conc S am 674, enr 747, appointments 1009 (Chapter 75)
- HB 78**, relative to a landowner's liability for personal injury or property damage on sidewalks. (Holland, Rock 76; et al: Judiciary) 23, K 140
- HB 79**, relative to the regulation of the installation and servicing of fire suppression systems. (Holland, Rock 76; et al: Executive Departments and Administration)  
**new title**: relative to the regulation of water treatment equipment installers by the plumber's board.  
**2<sup>nd</sup> new title**: relative to the regulation of water treatment equipment installers by the plumber's board, and establishing a committee to study the regulation of the installation and servicing of fire detection and suppression systems and the licensure of water treatment technicians. 23, am 103 psd 120, nonconc S am, conf 866, 869, rep adop 889, enr am 949, enr 954, appointments 1009 (Chapter 272)
- HB 80**, relative to violation of the oath of office in certain cases. (L. Christiansen, Hills 66; et al: Election Law) 23, K 74
- HB 81-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Weyler, Rock 79; et al: Ways and Means)  
**new title**: amending the effective date of HB 694-FN of the 2003 legislative session. 23, Finance 99, psd 320, 344, nonconc S am, conf 863, 868, rep adop 889, enr 946 (Chapter 225)
- HB 82**, to change the name of "Boott Spur" to Mount Reagan. (Weyler, Rock 79; et al: Resources, Recreation and Development)  
**new title**: to change the name of "Mount Clay" to Mount Reagan. 23, am (RC) 308-311, psd 315, S conc 799, enr 869 (Chapter 139)
- HB 83**, establishing a committee to study penalties for executive department employees for non-compliance with department rules or state statutes. (Weyler, Rock 79; et al: Executive Departments and Administration) 23, K 403
- HB 84**, requiring school district budgets to disclose moneys paid for lobbying fees. (Weyler, Rock 79; et al: Education) 23, K 99-100

- HB 85-FN-L**, requiring the exclusion of certain one-time expenditures prior to the adoption of a default budget in cities and towns that have adopted official ballot voting. (Weyler, Rock 79: Municipal and County Government)  
23, ret 1003
- HB 86**, relative to the membership of the permissible fireworks review committee. (L. Christiansen, Hills 66: Criminal Justice and Public Safety)  
23, psd 72, 90, S conc 628, enr 668, appointments 1008 (Chapter 6)
- HB 87**, establishing a study committee to examine decibel limits. (Ouellette, Merr 33; et al: Transportation)  
23, K 98
- HB 88**, relative to bond requirements for building contractors. (Weyler, Rock 79: Executive Departments and Administration)  
23, K 96
- HB 89**, establishing a committee to study airport security staffing. (Pepino, Hills 51; et al: Criminal Justice and Public Safety)  
23, rem 71, K 85
- HB 90-FN**, relative to the costs incurred by the retirement system in evaluating proposed legislation. (Zolla, Rock 77: Executive Departments and Administration)  
23, K 139
- HB 91**, extending the telecommunications planning and development initiative and advisory committee. (Thomas, Belk 31: Science, Technology and Energy)  
**new title:** relative to the telecommunications planning and development initiative and advisory committee.  
23, am 79, psd 91, S conc 562, enr 632, committee amended 1008 (Chapter 7)
- HB 92**, relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies. (Batula, Hills 58; et al: Health, Human Services and Elderly Affairs)  
23, rem 71, am 87-89, psd 91, S conc 669, enr am 672, enr 673 (Chapter 50)
- HB 93**, relative to the notice to quit and notice of intent to appeal in landlord tenant actions. (Dionne, Hills 42: Judiciary)  
23, K 75
- HB 94**, relative to warrant articles. (Dickinson, Carr 4; et al: Municipal and County Government)  
23, K 76
- HB 95**, establishing a committee to study the procedures of the state board of claims. (L. Christiansen, Hills 66: Executive Departments and Administration)  
24, K 148
- HB 96**, relative to eligibility as a customer-generator. (M. Harrington, Straf 68: Science, Technology and Energy)  
24, K 157
- HB 97**, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. (Sweeney, Hills 62; et al: Municipal and County Government)  
24, K 416
- HB 98-FN**, relative to fees for state election recounts. (Flanagan, Rock 78; et al: Election Law)  
24, K 95
- HB 99**, relative to absentee ballot requests. (Flanagan, Rock 78; et al: Election Law)  
24, am 130-131, psd 142, S conc 562, enr 632 (Chapter 8)
- HB 100**, not introduced



- HB 101**, relative to qualifications for state offices. (Flanagan, Rock 78; et al: Election Law)  
**new title:** relative to qualifications for state offices and relative to vacancies in public offices.  
24, psd 95, 120, conc S am 627, enr 668 (Chapter 22)
- HB 102**, relative to disclosures required in retail installment sales of motor vehicles. (Corbin, Rock 79; et al: Commerce)  
24, K 71
- HB 103-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. (Dionne, Hills 42; et al: Transportation)  
24, K 226-227
- HB 104-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Woods, Straf 69; et al: Health, Human Services and Elderly Affairs)  
**new title:** implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child.  
24, am (RC) 103-107, psd 120, conc S am 565, enr am 668, enr 669 (Chapter 40)
- HB 105**, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile services officers against individuals under their supervision. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
**new title:** relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision.  
**2<sup>nd</sup> new title:** relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile probation and parole officers against individuals under their supervision, making a technical correction, and permitting the court to prohibit visitation between a parent convicted of sexual abuse or sexual assault against a minor child or stepchild and a sibling or step-sibling of the victim.  
24, am 72-73, psd 90, conc S am 803, enr am 911-912, enr 938 (Chapter 226)
- HB 106-FN-L**, implementing an education property tax homestead exemption. (Hess, Merr 37; et al: Ways and Means)  
24, K 192
- HB 107**, relative to bingo. (Hunt, Ches 28; et al: Ways and Means)  
24, am 433, psd 519, S Com 871, 1007
- HB 108**, increasing the optional veterans' property tax credit. (Coughlin, Hills 45; et al: Municipal and County Government)  
**new title:** relative to the adoption of an optional veterans' property tax credit.  
24, am 151-153, psd 183, S Com 871, 1007
- HB 109-FN**, establishing a New Hampshire do-not-call list for telephone solicitation. (Langley, Rock 88; et al: Science, Technology and Energy)  
**new title:** relative to telemarketing practices.  
24, am & Finance 224-225, am 565, psd 627, nonconc S am, conf 802, 863, (no report filed), Clerk's note 1003
- HB 110-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 22; et al: Public Works and Highways)  
24, K 191
- HB 111-FN**, prohibiting employee polygraph examinations. (Holland, Rock 76; et al: Labor, Industrial and Rehabilitative Services)  
24, K 151

- HB 112-FN**, establishing a point system for the annual moose permit lottery. (Dickinson, Carr 4; et al: Fish and Game)  
24, am 412, psd 518, conc S am 803, enr 886 (Chapter 189)
- HB 113**, relative to payment of attorneys' fees by the losing party in tort actions. (Dickinson, Carr 4; et al: Judiciary)  
24, K 150
- HB 114**, establishing a committee to study the constitutionality of current New Hampshire statutory enactments. (L. Christiansen, Hills 66: Judiciary)  
24, K 75
- HB 115**, relative to nonrenewal of homeowner's insurance policies. (Kaen, Straf 72; et al: Commerce)  
24, ret 1003
- HB 116-FN**, granting group II retirement system status to certain positions in the department of corrections. (Weyler, Rock 79; et al: Executive Departments and Administration)  
24, ret 1003
- HB 117-FN**, relative to the purchase of permissive service credit in the retirement system. (Weyler, Rock 79; et al: Executive Departments and Administration)  
24, K 148
- HB 118**, prohibiting the commemoration of groups who take up arms against United States policies. (Albert, Straf 67; et al: Public Works and Highways)  
24, K 77
- HB 119**, relative to removing names from the checklist. (Flanagan, Rock 78: Election Law)  
24, rem 346, rcmt 550-551, ret 1003
- HB 120**, relative to checklist corrections on election day. (Flanagan, Rock 78: Election Law)  
**new title:** relative to sessions for the correction of the checklist and sessions for changes of party registration.  
24, am 213-215 psd 271, S conc & enr 669 (Chapter 27)
- HB 121**, relative to grounds for modification of a permanent child custody order. (Hallyburton, Hills 45: Children and Family Law)  
25, am 186-187, psd 210, S Com 691, 1007
- HB 122**, relative to an informed jury. (Marple, Merr 37; et al: Judiciary)  
25, am (RC) 491-494, psd 520, S nonconc 800
- HB 123**, relative to notice given to putative fathers in adoption proceedings. (Hallyburton, Hills 45: Children and Family Law)  
25, am 437-438, psd 519, conc S am 752, enr 869 (Chapter 140)
- HB 124**, relative to the membership on the regional community-technical college board of trustees. (Thomas, Belk 31; et al: Education)  
25, K 399
- HB 125**, relative to customer information of municipal utilities. (Hatch, Carr 7: Judiciary)  
25, K 84
- HB 126**, relative to posting statutes at polling places. (Flanagan, Rock 78: Election Law)  
25, am 95, psd 120, S conc 628, enr am 632, enr 669 (Chapter 28)
- HB 127**, establishing a committee to study the effectiveness and fairness of county government. (Leone, Sull 21; et al: Municipal and County Government)  
25, am 203-204, psd 210, nonconc S am 674

- HB 128**, relative to the treatment of horses. (Rausch, Rock 77: Environment and Agriculture)  
25, am 147, psd 183, S conc 560, enr am 562, enr 632 (Chapter 9)
- HB 129-FN**, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 25: Legislative Administration)  
25, K 140
- HB 130**, establishing a judicial nominating commission. (Bergin, Hills 47; et al: Judiciary)  
25, K 113
- HB 131**, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code. (Spiess, Hills 47; et al: Commerce)  
25, psd 144, 182, S conc 749, enr 801 (Chapter 121)
- HB 132**, relative to state scholarships for orphans of veterans. (Coughlin, Hills 45; D. Fields, Hills 58: State-Federal Relations and Veterans Affairs)  
25, am 136, psd 142, S conc 669, enr 670 (Chapter 44)
- HB 133-L**, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. (Phinizy, Sull 23: Education)  
34, rem 346, rcmt 550, ret 1003
- HB 134-FN**, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters. (Elliott, Hills 42; et al: Judiciary)  
34, am 413, psd 518, S Com 750, 1007
- HB 135-FN-L**, relative to charter schools. (Hunt, Ches 28; et al: Education)  
34, Finance (RC) 161-164, am 578-579, psd 627, nonconc S am, conf 863, 868, rep adop 889, enr am 949, enr 954 (Chapter 273)
- HB 136-FN**, relative to regional electronic toll collection. (R. L'Heureux, Hills 58; et al: Public Works and Highways)  
34, K 97
- HB 137-FN**, relative to discounted tolls under the regional electronic toll collection system. (R. L'Heureux, Hills 58; et al: Public Works and Highways)  
34, K 97
- HB 138-FN**, relative to interpreters for the deaf in certain governmental or public proceedings. (Bergin, Hills 47; et al: Health, Human Services & Elderly Affairs)  
34, am & Criminal Justice 81-84, ret 1003
- HB 139**, establishing a committee to study the collection and reporting of school drop-out, suspension, and expulsion data. (Naro, Graf 15; et al: Education)  
**new title:** relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.  
**2<sup>nd</sup> new title:** relative to the collection and reporting of school drop-out, suspension, and expulsion data; relative to the deadlines for submitting certain reports to the department of education; and establishing a statewide education accountability system.  
34, am 446-448, psd 519, nonconc S am, conf 802, 836, rep adop 889, enr am 949, enr 954, committee amended 1008 (Chapter 314)
- HB 140-FN-L**, relative to voter checklist verification. (M. Cooney, Graf 15; et al: Election Law)  
34, K 215
- HB 141**, prohibiting the use of automatic dialing systems for telephone solicitation. (Langley, Rock 88; et al: Commerce)  
34, ret 1003
- HB 142**, relative to motor vehicle registration expiration dates. (Artz, Hills 64; et al: Transportation)  
34, K 227

- HB 143-FN**, relative to the registration fees and requirements for snow traveling vehicles. (R. Cooney, Rock 76; et al: Resources, Recreation and Development)  
34, ret 1003
- HB 144**, establishing a procedure for the adoption of contracts in certain schools. (Dickinson, Carr 4; Municipal and County Government)  
34, K 96-97
- HB 145**, relative to the Claremont and Newport district courts. (Cloutier, Sull 22; et al: Judiciary)  
34, ret 1003
- HB 146-FN**, relative to criminal penalties for child pornography offenses. (Holland, Rock 76; et al: Criminal Justice and Public Safety)  
34, K 128
- HB 147**, establishing a committee to study the expungement of records. (L. Christiansen, Hills 66; et al: Executive Departments and Administration)  
34, K 96
- HB 148-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. (Gilman, Graf 9; et al: Executive Departments and Administration)  
34, K 131-132
- HB 149**, relative to patient rights and disclosures in quality assurance programs. (Craig, Hills 50: Judiciary)  
**new title:** relative to patient rights and disclosures.  
34, am 304, psd 315, S nonconc 691
- HB 150**, not introduced
- HB 151**, authorizing the county convention to contract and fund performance audits of county departments. (Weyler, Rock 79; et al: Municipal and County Government)  
**new title:** authorizing the county convention to contract and fund performance audits of county departments, authorizing employees of the Hillsborough and Rockingham county delegations, and relative to adoption of revisions and the budget process in city charters.  
34, psd 97, 120, conc S am 632, enr 669 (Chapter 25)
- HB 152**, relative to regulation by political subdivisions of OHRV trails and exempting certain rail trails use from the state trail evaluation process. (Royce, Ches 28; et al: Resources, Recreation and Development)  
34, ret 1003
- HB 153-FN**, relative to grounds for termination of parental rights. (Rogers Johnson, Rock 83: Children and Family Law)  
34, psd 187, 210, S conc 690, enr 748 (Chapter 79)
- HB 154-FN**, establishing a department of financial services. (Elliott, Hills 42; et al: Executive Departments and Administration)  
34, ret 1003
- HB 155**, relative to responses by law enforcement officers when traveling outside their jurisdictions. (Tholl, Coos 2: Criminal Justice and Public Safety)  
34, K 128
- HB 156**, relative to weights and measures. (L. Pratt, Coos 2: Environment and Agriculture)  
35, psd 216, 272, S conc 628, enr 669 (Chapter 42)
- HB 157**, relative to presentence investigations. (Tholl, Coos 2: Criminal Justice and Public Safety)  
35, K 73

- HB 158**, allowing the voter to deposit the ballot into the ballot box. (Dickinson, Carr 4: Election Law) 35, ret 1003
- HB 159**, relative to meetings of the directors of nondepository trust companies. (Hunt, Ches 28; Kenney, Dist 3: Commerce) 35, am 127, psd 142, S conc 749, enr 801 (Chapter 122)
- HB 160**, relative to removal or replacement of trustees. (Hunt, Ches 28; Kenney, Dist 3: Commerce) 35, psd 71-72, 90, S conc 749, enr 801 (Chapter 123)
- HB 161-FN-L**, relative to residency in determining entitlement to local welfare assistance. (Dickinson, Carr 4; et al: Municipal and County Government) 35, ret 1003
- HB 162**, relative to remedies and penalties for injuries to domestic animals caused by dogs. (Batchelder, Ches 24: Environment and Agriculture) 35, am 472, psd 519, died on table (S message) 1001
- HB 163-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. (DiFruscia, Rock 76; et al: Ways and Means) 35, K 80
- HB 164-FN-A**, increasing the gross premiums tax on insurance provided by certain unlicensed companies. (Major, Rock 79: Ways and Means) 35, Finance (RC) 117-119, psd 579, 627, S conc 748, enr 762, veto sustained (RC) 984-987
- HB 165**, relative to the text of constitutional amendment questions. (Sorg, Graf 11: Election Law) 35, K 190
- HB 166**, relative to employees of the New Hampshire retirement system. O'Neil, Rock 85; et al: Executive Departments and Administration) 35, am 148, psd 183, S conc 749, enr 801 (Chapter 132)
- HB 167**, relative to complaints against judges. (Rowe, Hills 47: Judiciary) 35, am & Finance 132, psd 579, 627, S Com 871, 1007
- HB 168**, relative to access to public schools. (Dewhirst, Belk 30: Education) 35, K 94
- HB 169**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 25: Ways and Means) 35, K 137
- HB 170**, relative to the notice of proposed rulemaking under the administrative procedure act. (Camm, Rock 79: Executive Departments and Administration) 35, ret 1003
- HB 171**, establishing a commission to assess the operating efficiency of state government. (Moran, Hills 57; et al: Executive Departments and Administration) 35, am 80-81, psd 91, S conc 316, enr 317, appointments 1009-1010 (Chapter 1)
- HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law. (Weyler, Rock 79; et al: Ways and Means) 35, psd 119, 120, S conc 669, enr 670, report date extended 1008 (Chapter 45)
- HB 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities. (Major, Rock 79: Ways and Means) 35, am 192-193, psd 210, nonconc S am, conf 867, 869, rep adop 889, enr 948 (Chapter 249)
- HB 174**, relative to homeowner's insurance and the ownership of certain breeds of dogs. (J. Carter, Hills 53; et al: Commerce) 35, ret 1003

- HB 175**, relative to the admission to practice law and to bar association membership for attorneys. (Rowe, Hills 47: Judiciary)  
**new title:** relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.  
 35, am 494-496, psd 520, nonconc S am, conf 864, 868, rep adop 889, enr 948 (Chapter 250)
- HB 176**, relative to listing candidates on ballots. (Stritch, Rock 75: Election Law)  
 35, ret 1003
- HB 177**, excluding stepchildren from the definition of “child” in the context of support orders. (Bickford, Straf 68: Children and Family Law)  
 35, psd 438, 519, died on table (S message)1001
- HB 178**, relative to detention for violations of protective orders. (Bickford, Straf 68: Criminal Justice and Public Safety)  
 35, am 145, psd 182, S conc 869, enr 886 (Chapter 219)
- HB 179**, establishing a committee to study enhancement of laws relating to vehicle pursuits. (Major, Rock 79: Criminal Justice and Public Safety)  
 35, psd 128, 142, conc S am 673, enr 747, appointments 1010 (Chapter 76)
- HB 180**, relative to proceedings for termination of parental rights. (Hallyburton, Hills 45: Children and Family Law)  
 35, am 94, psd 120, S nonconc 691
- HB 181**, relative to horseback riding as a recreational use of land in current use taxation. (J. Pratt, Ches 24: Environment and Agriculture)  
**new title:** relative to limiting landowner liability for giving permission for horseback riding.  
 35, am 216-217, psd 272, S conc & enr 669 (Chapter 29)
- HB 182**, relative to unclaimed shares and advancements to heirs. (J. Pratt, Ches 24; et al: Judiciary)  
 35, rem 71, am 90, psd 91, S conc 669, enr am 669-670, enr 670 (Chapter 46)
- HB 183**, relative to a distribution from a decedent’s estate to a minor. (J. Pratt, Ches 24; et al: Judiciary)  
 35, am 75-76, psd 91, S conc & enr 669 (Chapter 30)
- HB 184**, relative to distribution upon intestacy. (J. Pratt, Ches 24; et al: Judiciary)  
 35, am 413-414, psd 518, S conc 669, enr 670 (Chapter 47)
- HB 185**, relative to pretermitted heirs. (J. Pratt, Ches 24; et al: Judiciary)  
 36, am 414, psd 518, nonconc S am, conf 693, 798, rep adop 889, (unable to agree)
- HB 186**, relative to the effect of divorce or annulment upon trusts. (J. Pratt, Ches 24; et al: Judiciary)  
 36, psd 76, 91, S conc & enr 669 (Chapter 31)
- HB 187-FN-A**, establishing a credit for employer-paid insurance premiums against the business enterprise tax. (Corbin, Rock 79; et al: Ways and Means)  
 36, K 80
- HB 188**, relative to listing names on state election ballots. (Davidson, Rock 82: Election Law)  
 36, K 215
- HB 189**, making daylight savings time permanent. (Rodeschin, Sull 20: Science, Technology and Energy)  
 36, K 79
- HB 190**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. (Gilman, Graf 9: Legislative Administration)  
 36, K 333

- HB 191**, establishing a commission to study the school administrative unit system. (Hunter, Hills 48; et al: Education)  
36, K (RC) 100-102
- HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers. (Hunter, Hills 48: Criminal Justice and Public Safety)  
36, am 145, psd 182, S conc 690, enr 748 (Chapter 80)
- HB 193**, relative to the right to life. (Hagan, Hills 50; et al: Judiciary)  
36, K (RC) 113-116
- HB 194**, relative to appeals in landlord/tenant actions. (Craig, Hills 50: Judiciary)  
36, psd 169, 183, S nonconc 800
- HB 195**, prohibiting all part-time district court judges from practicing law in the district courts. (Rowe, Hills 47: Judiciary)  
**new title:** prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.  
36, am 76, psd 91, nonconc S am, conf 694, 798, rep adop 890, enr 948 (Chapter 251)
- HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders. (MacKay, Merr 39; et al: Health, Human Services and Elderly Affairs)  
36, psd 74, 91, S nonconc 691
- HB 197-FN-A**, making an appropriation to the harbor dredging and pier maintenance fund. (Weare, Rock 84; et al: Public Works and Highways)  
36, K 222
- HB 198**, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
**new title:** relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions and relative to the authority of Maine marine patrol to perform certain law enforcement functions in the waters of New Hampshire.  
36, am 128-129, psd 142, nonconc S am, conf 761, 823, rep adop 890, enr 948 (Chapter 252)
- HB 199-FN-A**, establishing new special justice positions in the Manchester, Concord, and Nashua district courts and making an appropriation therefor. (Lasky, Hills 65; et al: Judiciary)  
37, K 219
- HB 200**, not introduced
- HB 201**, relative to the definition of the practice of dentistry. (Langley, Rock 88: Executive Departments and Administration)  
37, K 149
- HB 202-FN**, establishing an independent legislative redistricting commission. (Weed, Ches 25; et al: Election Law)  
37, K 286
- HB 203**, establishing a committee to study the use of pesticides and herbicides in the state, and directing the commissioner of agriculture to issue a report on the use of funds from the pesticide control fund. (Ouellette, Merr 33: Environment and Agriculture)  
37, K 102
- HB 204**, relative to venue in juvenile proceedings. (Knowles, Straf 69; et al: Children and Family Law)  
37, am 94, psd 120, nonconc S am, conf 865, 869, 872, rep adop 890, enr 948 (Chapter 253)
- HB 205**, relative to the use of criminal records and reports. (Welch, Rock 79: Criminal Justice and Public Safety)  
37, am 392, psd 518, S conc 869, enr 886 (Chapter 190)

- HB 206**, relative to filing of complaints for violation-level offenses. (Welch, Rock 79: Criminal Justice and Public Safety)  
37, am 129, psd 142, S nonconc 691
- HB 207**, relative to information required in articles of incorporation. (Luebker, Hills 54; et al: Commerce)  
37, K 351
- HB 208**, relative to name changes for inmates and parolees. (K. Gilbert, Rock 82; et al: Criminal Justice and Public Safety)  
37, am 392-393, psd 518, S conc 690, enr 748 (Chapter 81)
- HB 209**, relative to municipal budget committees. (Bicknell, Rock 73; et al: Municipal and County Government)  
37, K 153-154
- HB 210-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift inspector. (O'Neil, Rock 85; et al: Finance)  
**new title**: relative to passenger tramway registration fees and relative to carnival or amusement ride fees.  
37, am 486, psd 519, conc S am 803, enr 886 (Chapter 191)
- HB 211**, relative to town clerk fee deposit requirements. (Lockwood, Merr 35: Municipal and County Government)  
37, am 416-417, psd 519, S conc 690, enr am 748, enr 762 (Chapter 100)
- HB 212**, defining "terror" and "act of terrorism" for the purposes of criminal threatening. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
**new title**: defining "terrorize" for the purpose of criminal threatening.  
37, am 129-130, psd 142 conc S am 673, enr 747 (Chapter 69)
- HB 213**, relative to reporting requirements for dedicated funds. (Giuda, Graf 13; et al: Finance)  
37, am 320, psd 344, did on table (S message) 1001
- HB 214**, relative to discovery deposition of minors in criminal cases. (Dumaine, Rock 75; et al: Children and Family Law)  
37, am 187, psd 210, conc S am 752, enr 869 (Chapter 141)
- HB 215**, relative to expungement of records contained in the DNA database. (Kennedy, Merr 34: Criminal Justice and Public Safety)  
37, psd 146, 182, conc S am 693, enr 762 (Chapter 101)
- HB 216**, relative to motorcycle inspection stickers. (Hatch, Carr 7: Transportation)  
37, K 80
- HB 217**, relative to emergency powers of the supreme court. (O'Neil, Rock 85: Judiciary)  
37, ret 1003
- HB 218**, relative to the definition of beneficially interested person. (O'Neil, Rock 85: Judiciary)  
37, psd 414, 518, S conc 690, enr 748 (Chapter 82)
- HB 219**, relative to the assignment of judges to hear cases in the superior, district, and probate courts. (Bickford, Straf 68: Judiciary)  
37, K 96
- HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (P. Allen, Ches 27: Environment and Agriculture)  
37, ret 1003



- HB 221-FN**, prohibiting the courts from charging fees. (Marple, Merr 37; et al: Judiciary)  
37, rem 93, K 120
- HB 222**, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. (Tholl, Coos 2; et al: Executive Departments and Administration)  
38, am 404, psd 518, died on table (S message)
- HB 223**, relative to the temporary removal of inmates. (Tholl, Coos 2: Criminal Justice and Public Safety)  
38, psd 130, 142, S conc 628, enr 669 (Chapter 32)
- HB 224**, granting immunity from liability to law enforcement officers executing involuntary emergency mental health admissions. (Tholl, Coos 2; et al: Judiciary)  
38, K 169-170
- HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties. (Emerton, Hills 48; et al: Health, Human Services & Elderly Affairs)  
38, psd 74, 91, S conc 690, enr am 748, enr 762, appointments 1010 (Chapter 117)
- HB 226**, relative to a state policy on gambling. (Moore, Rock 84: Ways and Means)  
38, K 322
- HB 227**, establishing a committee to study the feasibility of consolidating the administrative functions of regulatory boards and commissions into a single agency. (Hatch, Carr 7: Executive Departments and Administration)  
38, ret 1003
- HB 228**, relative to conduct after an accident. (Jones, Sull 19; et al: Transportation)  
38, am 430-431, psd 519, S nonconc 691
- HB 229-FN**, relative to increasing the contribution amount of call, substitute, or volunteer firefighters eligible for certain disability benefits. (Patten, Carr 7: Executive Departments and Administration)  
38, K 96
- HB 230**, establishing a committee to study procedures for the joint legislative committee on administrative rules to introduce legislative changes. (Patten, Carr 7: Legislative Administration)  
38, ret 1003
- HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Carson, Rock 75; et al: Education)  
38, am 73-74, psd 90, S conc 690, enr 748 (Chapter 92)
- HB 232**, repealing the one-year certificate of eligibility to teach. (Buckley, Hills 56: Education)  
38, K 286
- HB 233**, relative to the nuclear planning and response program. (Welch, Rock 79: Science, Technology and Energy)  
38, am 157-158, psd 183, S conc 562, enr 632 (Chapter 11)
- HB 234**, relative to verification of vehicle identification. (Kennedy, Merr 24: Transportation)  
38, K 98
- HB 235**, relative to removal of political advertising. (Buckley, Hills 56: Election Law)  
38, ret 1003
- HB 236**, relative to recount application deadlines. (Buckley, Hills 56: Election Law)  
38, ret 1003
- HB 237**, relative to health care in certain health care facilities. (Clemons, Hills 62; et al: Health, Human Services and Elderly Affairs)  
38, K 74

- HB 238**, relative to the constitutionality of the presumption of procedural validity of municipal legislation. (L. Christiansen, Hills 66; et al: Municipal and County Government)  
39, K 77
- HB 239**, prohibiting the disclosure of certain information by a public utility. (Pilliod, Belk 31; et al: Science, Technology and Energy)  
39, K 158-159
- HB 240**, establishing a committee to study ways to prevent suicide among young people in New Hampshire. (Sweeney, Hills 62; et al: Health, Human Services and Elderly Affairs)  
39, psd 84, 91, conc S am 752, enr 869, appointments 1010 (Chapter 142)
- HB 241**, establishing a committee to study the creation of a separate board to regulate barbers. (D. Fields, Hills 58: Executive Departments and Administration)  
39, K 139
- HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. (Patten, Carr 7: Municipal and County Government)  
39, psd 97, 120, nonconc S am, conf 863, 868, rep adop 890, enr am 949-950, enr 954, committee amended 1008 (Chapter 274)
- HB 243**, relative to motor vehicle exhaust noise standards. (Artz, Hills 64; et al: Transportation)  
39, ret 1003
- HB 244**, relative to landowner liability for snowmobile accidents. (Brady, Coos 2; et al: Judiciary)  
**new title:** establishing a committee to study landowner liability for owners providing public access to snowmobile trails.  
39, am 133, psd 142, conc S am 674, enr 747, appointments 1010 (Chapter 77)
- HB 245**, relative to child custody decisions. (T. Robertson, Ches 25: Children and Family Law)  
39, am 347, psd 517, S conc 869, enr 886 (Chapter 192)
- HB 246**, relative to availability of absentee voting applicant lists. (Patten, Carr 7; et al: Election Law)  
39, am 131, psd 142, S conc 562, enr 632, (Chapter 12)
- HB 247**, relative to processing absentee ballots. (Patten, Carr 7: Election Law)  
39, K 131
- HB 248**, requiring the disclosure of information to victims in juvenile delinquency cases. (DeStefano, Merr 41: Children and Family Law)  
39, am 160-161, psd 183, nonconc S am, conf 865, 869, 872, rep adop 890, enr am 946-947, enr 948 (Chapter 275)
- HB 249**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. (Bruno, Hills 45; et al: Judiciary)  
39, K 133
- HB 250**, not introduced
- HB 251**, relative to party affiliation and voting in primary elections. (Bruno, Hills 45: Election Law)  
39, K 95
- HB 252**, prohibiting schools from issuing out-of-school suspensions and establishing a committee to study the development of a community/school services program for suspended pupils. (Bruno, Hills 45: Education)  
39, K 94-95
- HB 253**, relative to the design build concept for certain projects. (Graham, Hills 57; et al: Public Works and Highways)  
39, am 134, psd 142, conc S am 674, enr 747 (Chapter 70)

- HB 254**, relative to the penalty for failing to have front and rear decals on an OHRV. (Bruno, Hills 45; et al: Transportation)  
39, K 98
- HB 255-L**, authorizing the creation of special purpose village districts within the Fall Mountain regional school district. (Phinizy, Sull 23; et al: Municipal and County Government)  
39, K 221
- HB 256**, establishing a committee to study the feasibility of breast cancer awareness number plates. (S. Eaton, Graf 9; et al: Transportation)  
39, K 98
- HB 257**, relative to nomination of political candidates. (Clemons, Hills 62; et al: Election Law)  
39, K (RC) 451-453
- HB 258**, relative to the community-technical college system. (Snyder, Straf 67; et al: Executive Departments and Administration)  
39, am 404, psd 518, S Com 691, 1007
- HB 259**, relative to the regulation of gift certificates under the consumer protection act. (Stone, Rock 73; et al: Commerce)  
**new title:** relative to the regulation of gift certificates under the consumer protection act and establishing a study committee relative to the regulation of gift certificates.  
39, am 351, psd 517, conc S am 803, enr 886, appointments 1010 (Chapter 193)
- HB 260**, relative to checklists used on election day. (G. Katsakiores, Rock 77; et al: Election Law)  
40, psd 137, 142, S conc 562, enr 632, (Chapter 13)
- HB 261**, relative to lucky 7 licenses. (Fesh, Rock 77; et al: Ways and Means)  
40, am 539, psd 558, nonconc S am, conf 867, 869, rep adop 890, enr 948 (Chapter 254)
- HB 262**, relative to operators of bingo and games of chance. (Heon, Straf 67; et al: Ways and Means)  
40, am 433-434, psd 519, nonconc S am, conf 867, 869, rep adop 890, enr am 950, enr 954 (Chapter 315)
- HB 263**, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. (Batula, Hills 58; et al: Health, Human Services and Elderly Affairs)  
40, psd 74-75, 91 S conc 628, enr 668, appointments 1016 (Chapter 10)
- HB 264**, establishing state representative districts. (Stritch, Rock 75; et al: Election Law)  
40, ret 1003
- HB 265**, relative to the health care delivery system. (Hunt, Ches 28; et al: Commerce)  
40, ret 1003
- HB 266**, requiring youth bicyclists and skateboarders to wear protective headgear. (P. Katsakiores, Rock 77; et al: Transportation)  
40, ret 1003
- HB 267**, relative to the collection of data on the status of air quality in public schools. (Carson, Rock 75; et al: Education)  
40, K 400
- HB 268**, relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support. (Gargasz, Hills 46: Children and Family Law)  
40, K 347
- HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services. (Anderson, Merr 41: Finance)  
40, am 191, psd 210, S conc 690, enr 748, committee amended 1008 (Chapter 83)

- HB 270**, relative to issuing drivers' licenses to aliens temporarily residing in the state. (Gleason, Rock 77: Transportation)  
40, psd 99, 120, S conc 562, enr 632 (Chapter 14)
- HB 271**, relative to walking disability plates and placards. (Gleason, Rock 77: Transportation)  
40, psd 99, 120, S conc 562, enr 632 (Chapter 15)
- HB 272-FN**, relative to a pilot study by the department of transportation restricting large truck traffic during hours of darkness on certain roads in Portsmouth. (Shultis, Rock 86; et al: Public Works and Highways)  
40, K 134
- HB 273**, requiring town and city clerks to distribute a list of crisis pregnancy centers to persons issued a marriage certificate. (Woods, Straf 69: Municipal and County Government)  
40, K 417
- HB 274-A**, making an appropriation for the restoration of the White Island Light Station. (Rogers Johnson, Rock 83; et al: Resources, Recreation and Development)  
40, am & Finance 248, ret 1003
- HB 275**, establishing a committee to study ballot reform. (Weed, Ches 25: Election Law)  
40, psd 215-272, S nonconc 629
- HB 276-FN**, relative to protective custody for intoxicated or incapacitated persons. (Welch, Rock 79; et al: Criminal Justice and Public Safety)  
40, ret 1003
- HB 277-FN**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
40, rem 211, SO 271, am 273-274, psd 315, S conc 629, enr am 632, enr 669 (Chapter 33)
- HB 278-FN**, relative to certain acts of sexual assault. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
40, am 130, psd 142, S conc 748, enr am 750, enr 762, veto sustained (RC) 987-989
- HB 279**, relative to the licensure of emergency medical dispatchers. (S. L'Heureux, Merr 37; et al: Executive Departments and Administration)  
40, K 149
- HB 280-FN**, relative to the poison information center. (MacKay, Merr 39; et al: Science, Technology and Energy)  
41, am & Ways and Means 312-314, rules suspended 346, am & Finance 434-435, psd 579, 627, nonconc S am, conf 863, 868, (no report filed), Clerk's note 1003
- HB 281-FN**, relative to regulation of irrigation system electricians by the electrician's board. (Rowe, Hills 47: Executive Departments and Administration)  
**new title:** exempting automatic irrigation system installers from licensure by the electrician's board.  
41, am 217-218, psd 272, conc S am 803, enr 886 (Chapter 194)
- HB 282**, relative to granting solid waste management facility permits. (Densmore, Graf 10; et al: Municipal and County Government)  
41, K 512
- HB 283-FN**, establishing the penalty for endangering the welfare of a child or incompetent resulting in death or serious bodily harm. (Ouellette Merr 33; et al: Criminal Justice and Public Safety)  
41, K 393
- HB 284**, relative to the issuance of bonds in school districts and municipalities using the official ballot. (Gibson, Hills 58; et al: Municipal and County Government)  
41, K (RC) 204-206

- HB 285**, relative to establishing non-amendable articles by voter petition. (Slocum, Hills 47; et al: Municipal and County Government)  
41, ret 1004
- HB 286**, establishing a committee to study certain proposals to fund education in New Hampshire. (Carlson, Hills 44; et al: Finance)  
41, K 411
- HB 287**, establishing a professional malpractice claims study commission. (Mock, Carr 4; et al: Judiciary)  
**new title:** establishing a professional malpractice claims study commission and establishing a commission to identify medical errors and their causes.  
41, am 414-415, psd 518, nonconc S am, conf 762, 823, rep adop 890, enr am 915, enr 948, appointments 1010-1011 (Chapter 255)
- HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
41, rem 144, rcmt 175-176, am 212 psd 271, nonconc S am, conf 761, 823, rep adop 890, enr 948 (Chapter 256)
- HB 289**, relative to outdoor automatic sprinkler systems. (Spang, Straf 72: Resources, Recreation and Development)  
41, K 222-223
- HB 290**, relative to the burden of proof in medical injury cases. (Craig, Hills 50: Judiciary)  
41 K 220
- HB 291-FN**, establishing an enhanced penalty for assaults, sexual assaults, and related offenses against the elderly. (P. Katsakiores, Rock 77; et al: Criminal Justice and Public Safety)  
41, K 146
- HB 292**, relative to vehicles entering intersections. (Schmidt, Straf 70; et al: Transportation)  
41, K 99
- HB 293**, establishing a commission to identify medical errors and their causes. (Batula, Hills 58; et al: Health, Human Services and Elderly Affairs)  
41, psd 96, 120, died on table (S message) 1002
- HB 294**, relative to notification of abutting communities of ridge-line or above developments. (Hatch, Carr 7: Municipal and County Government)  
41, K 133-134
- HB 295**, relative to information filed with the regional planning commissions. (R. Cooney, Rock. 76; et al: Municipal and County Government)  
41, am 154, psd 183, conc S am 804, enr 886 (Chapter 220)
- HB 296**, relative to settlement agreements in medical malpractice suits. (Mock, Carr 4; et al: Judiciary)  
41, psd 415, 518, S conc 869, enr 886 (Chapter 195)
- HB 297**, establishing an alternative nomination process for political organizations. (Bicknell, Rock 73; et al: Election Law)  
41, K 147
- HB 298**, relative to the award of joint physical custody of children. (Bickford, Straf 68: Children and Family Law)  
**new title:** relative to physical child custody decisions.  
41, am 438-439, psd 519, S nonconc 871
- HB 299**, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses. (Bickford, Straf 68: Children and Family Law)  
41, psd 161, 183, S Com 871, 1007

**HB 300**, not introduced

**HB 301**, relative to the property tax exemption for certain pollution control facilities. (Densmore, Graf 10; et al: Municipal and County Government)  
41, K 512-513

**HB 302-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. (Welch, Rock 79; et al: Executive Departments and Administration)

**new title:** relative to the funding and use of the retirement system special account.  
41, am 473-475, psd 519, conc S am 858, enr 886 (Chapter 221)

**HB 303**, relative to life, accident, and health technicals. (D. Flanders, Belk 30; et al: Commerce)

**new title:** relative to life, accident, and health technicals and relative to minimum standards for claim review.

41, am 319-320, psd 244, nonconc S am, conf 801, 863, rep adop 890, enr am 950, enr 954 (Chapter 276)

**HB 304-A**, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor. (Chandler, Carr 4; et al: Resources, Recreation and Development)

41, Finance 116-117, am 579-580, psd 627, S Com 1007

**HB 305**, relative to time allowed for voting. (Brundige, Hills 58; et al: Election Law)

42, am 137-138, psd 142, S conc 629, enr 668 (Chapter 20)

**HB 306**, relative to the procedure for determining the order of names on the general election ballot. (Burling, Sull 19; et al: Election Law)

42, K (RC) 453-456

**HB 307**, relative to municipal regulation of public highways. (Twombly, Straf 67; et al: Municipal and County Government)

42, ret 1004

**HB 308**, adopting the uniform mediation act. (Gargas, Hills 46; et al: Judiciary)

42, rcmt rej & K 170

**HB 309-L**, relative to placement and removal of political advertising. (R. Wheeler, Hills 48: Election Law)

42, K 190

**HB 310**, establishing a commission to study child support issues. (Bickford, Straf 68: Children and Family Law)

**new title:** establishing a commission to study child support and related child custody issues.  
42, psd 161, 183, nonconc S am, conf 674, 746, rep adop 890, enr am 948, enr 954, appointments 1011 (Chapter 277)

**HB 311**, repealing the distribution of family planning service lists by the town clerk. (Souza, Hills 51; et al: Municipal and County Government)

**new title:** repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

42, am 513-514, psd 520, died on table (S message) 1002

**HB 312**, relative to designating county delegates on state election ballots. (N. Johnson, Straf 68: Election Law)

42, K 138

**HB 313**, establishing a committee to study the feasibility of setting aside a portion of tobacco settlement money to subsidize smoking cessation programs. (Pitts, Rock 86: Ways and Means)

42, K 99

- HB 314**, establishing a committee to study the feasibility of buying pharmaceuticals on a statewide or regional basis. (Pitts, Rock 86: Health, Human Services and Elderly Affairs)  
42, K 96
- HB 315**, establishing a committee to study methods for accelerating appeals of denials of residential development permits. (Almy, Graf 18; et al: Municipal and County Government)  
42, K 514
- HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. (Emerton, Hills 48; et al: Commerce)  
42, am 351-352, psd 517, nonconc S am, conf 760, 823, rep adop 890, enr 954 (Chapter 278)
- HB 317**, relative to medical insurance for dependent children. (M. Cooney, Graf 15; et al: Commerce)  
42, K 439
- HB 318**, relative to trespassing on certain rail lines. (Splaine, Rock 86: Transportation)  
42, K 136
- HB 319**, relative to the deadline for implementing a statewide voter checklist. (Buckley, Hills 56: Election Law)  
42, K 215
- HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. (Clayton, Hills 50; et al: Executive Departments and Administration)  
42, psd 149, 183, conc S am 693, enr 762 (Chapter 102)
- HB 321**, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. (Clayton, Hills 50; et al: Executive Departments and Administration)  
42, psd 149, 183, S conc 629, enr 668 (Chapter 16)
- HB 322**, relative to the commission on the status of men. (Bickford, Straf 68: Executive Departments and Administration)  
42, K 149
- HB 323**, relative to the task force on family law. (Bickford, Straf 68: Children and Family Law)  
42, am 187, psd 210, nonconc S am, conf 866, 869, 872, rep adop 890, enr 948 (Chapter 257)
- HB 324**, relative to the Jaffrey-Peterborough district court and the Henniker-Hillsborough district court. (Elliott, Hills 42: Judiciary)  
43, K 150-151
- HB 325**, relative to the Henniker-Hillsborough district court and the New London district court. (Elliott, Hills 42; Odell, Dist 8: Judiciary)  
43, ret 1004
- HB 326**, relative to establishing a 6-year capital budget. (Leber, Merr 35; et al: Public Works and Highways)  
43, am 247-248, psd 272, S Com 871, 1007
- HB 327**, establishing a committee to study the use of state vehicles. (Wendelboe, Belk 29; et al: Finance)  
43, psd 150, 183, died on table (S message) 1002
- HB 328**, relative to the allocation of costs in court actions. (Arnold, Hills 46: Judiciary)  
43, ret 1004
- HB 329-FN**, establishing a pilot program for the introduction of Grass Carp into Flints Pond in the town of Hollis. (Drisko, Hills 46; et al: Fish and Game)  
43, ret 1004

- HB 330**, relative to public utilities mergers and acquisitions. (McHugh, Hills 61; et al: Science, Technology and Energy)  
43, rules suspended 182, rem 211, SO 271, K (RC) 280-282
- HB 331-FN**, relative to discovery in public utilities commission proceedings. (McHugh, Hills 61; et al: Science, Technology and Energy)  
43, rules suspended 182, K 226
- HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. (Spiess, Hills 47; et al: Election Law)  
43, am 401, psd 518, nonconc S am, conf 761, 863, rep adop 890, enr 948 (Chapter 258)
- HB 333**, relative to sentences for first time offenders. (Pantelakos, Rock 86: Criminal Justice and Public Safety)  
43, K 146
- HB 334**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 25; et al: Commerce)  
43, K 128
- HB 335**, relative to the regulation of the operation of OHRVs. (Drisko, Hills 46; et al: Transportation)  
43, vac Municipal and County Government 71, K 514
- HB 336-L**, relative to the development and adoption of the school administrative unit budget. (Alger, Graf 14; et al: Education)  
43, am 146-147, psd 183, nonconc S am, conf 866, 869, rep adop 890, enr am 947, enr 948 (Chapter 279)
- HB 337-FN-A-L**, relative to state funding of county correctional facilities. (Cloutier, Sull 22; et al: Finance)  
43, rem 144, K (RC) 176-178
- HB 338**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. (Gilman, Graf 9; et al: Judiciary)  
43, K 151
- HB 339**, establishing a committee to study the use of certain state-owned property along the Baker River. (Alger, Graf 14: Resources, Recreation and Development)  
43, K 426
- HB 340**, establishing a committee to study implementing keno in the state of New Hampshire. (Weyler, Rock 79; et al: Ways and Means)  
43, K 120
- HB 341**, relative to performance budgeting of state programs and agencies. (Weyler, Rock 79; et al: Executive Departments and Administration)  
43, ret 1004
- HB 342**, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act. (Pilliod, Belk 31; et al: Commerce)  
43, rules suspended 182, ret 1004
- HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine. (Pantelakos, Rock 86: Municipal and County Government)  
43, am 170-171, psd 183, conc S am 693, enr 762, appointments 1011 (Chapter 103)
- HB 344**, relative to a supplemental veteran designation for legislative license plates. (J. Dunn, Ches 25; et al: Legislative Administration)  
43, K 334



- HB 345**, relative to qualifications of elected town officers. (Drisko, Hills 46; et al: Municipal and County Government)  
44, K 154
- HB 346**, establishing a commission to study the impact of traffic law violations on public health and safety and state and municipal resources. (Furman, Hills 64; et al: Transportation)  
44, K 227
- HB 347**, limiting access to certain business records. (Dickinson, Carr 4; et al: Commerce)  
44, ret 1004
- HB 348-FN**, relative to the compensation of jurors. (Arnold, Hills 46: Judiciary)  
44, K 151
- HB 349**, relative to establishment and enforcement of speed limits. (Vachon, Straf 68: Transportation)  
44, rem 127, K 141-142
- HB 350**, not introduced
- HB 351**, requiring completion of a child impact seminar prior to filing for divorce. (Hopper, Hills 48: Children and Family Law)  
44, ret 1004
- HB 352**, establishing a committee to study the feasibility of a desalinization plant in the New Hampshire seacoast region. (Varrell, Rock 79; et al: Resources, Recreation and Development)  
44, K 426
- HB 353-FN-A**, making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. (R. Cooney, Rock 76; et al: Resources, Recreation and Development)  
44, am & Finance 248-249, K 565
- HB 354-FN**, relative to dog license fees. (Patten, Carr 7: Municipal and County Government)  
44, K 154
- HB 355-FN**, relative to the permissible fireworks review committee, the fireworks license fee, and the authority of the permissible fireworks inspector. (Hunter, Hills 48; et al: Criminal Justice and Public Safety)  
44, ret 1004
- HB 356-FN**, relative to including medical benefits costs in the purchase of creditable service in the retirement system. (Zolla, Rock 77: Executive Departments and Administration)  
44, psd 289, 315, S conc 749, enr 801 (Chapter 124)
- HB 357-FN**, relative to child support insurance settlement intercept. (Emerton, Hills 48; et al: Children and Family Law)  
44, am 347-348, psd 517, nonconc S am, conf 859, 868, 872, rep adop 890, enr am 950, enr 954 (Chapter 280)
- HB 358-FN-L**, relative to recount fees in local elections. (Stritch, Rock 75: Election Law)  
44, psd 215, 272, S conc & enr 669 (Chapter 34)
- HB 359**, establishing a procedure for apportioning state senate and representative districts. (Alger, Graf 14; et al: Election Law)  
45, ret 1004
- HB 360-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Konys, Hills 65; et al: Finance)
- new title**: establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.  
45, am 486-487, psd 519, S nonconc 749

- HB 361-L**, permitting municipalities to form regional water districts. (Graham, Hills 57; et al: Municipal and County Government)  
45, am 171-173, psd 183, nonconc S am, conf 674, 746, rep adop 890, enr 954 (Chapter 281)
- HB 362-L**, relative to approval of certain capital and operating costs in the Fall Mountain regional school district. (Phinizy, Sull 23; et al: Education)  
45, K 400
- HB 363-L**, relative to the funding formula for cooperative school districts. (Arnold, Hills 46: Education)  
45, K 147
- HB 364-FN**, relative to the use of automatic telephone dialing systems for political advocacy. (Dokmo, Hills 47; et al: Election Law)  
45, am 402-403, psd 518, died on table (S message) 1002
- HB 365**, relative to governmental land uses. (Langley, Rock 88; et al: Municipal and County Government)  
45, K 417
- HB 366**, relative to mercury reduction. (Phinizy, Sull 23; et al: Science, Technology and Energy)  
45, ret 1004
- HB 367**, relative to cats and dogs. (Phinizy, Sull 23: Environment and Agriculture)  
45, K 472
- HB 368**, making technical corrections to the statutory list of dedicated funds. (Almy, Graf 18: Ways and Means)  
45, am 322, 323, psd 344, S conc 690, enr am 860, enr 872 (Chapter 174)
- HB 369**, relative to the Henniker and Hillsborough district courts. (Dionne, Hills 42; et al: Judiciary)  
45, ret 1004
- HB 370-FN**, relative to the dispensing of lucky 7 tickets. (Heon, Straf 67; et al: Ways and Means)  
45, K (RC) 539-542
- HB 371**, relative to warrant article recommendations in towns which have adopted the official ballot referendum form of meeting. (Major, Rock 79; et al: Municipal and County Government)  
45, K 417
- HB 372**, relative to exceptions for unauthorized use of firearms and firecrackers in cities and towns. (L. Christiansen, Hills 66: Fish and Game)  
45, K 412
- HB 373**, establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. (L. Christiansen, Hills 66; et al: Judiciary)  
45, K 220
- HB 374**, relative to a petition by an inmate for a suspended sentence. (Gile, Merr 38: Criminal Justice and Public Safety)  
45, K 146
- HB 375**, establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in preschools, primary grades, and childcare centers. (Gile, Merr 38; et al: Health, Human Services and Elderly Affairs)  
45, K 139
- HB 376**, establishing a committee to study the feasibility of performing eye examinations or eye screenings on children prior to enrollment in a public elementary school, public preschool program, or Head Start program. (Leber, Merr 35; et al: Health, Human Services and Elderly Affairs)  
45, K 132

- HB 377**, relative to discipline of state employees or officers making willful false statements. (Gilman, Graf 9; et al: Executive Departments and Administration)  
45, K 404
- HB 378**, prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children. (L. Christiansen, Hills 66; et al: Education)  
45, K 164
- HB 379**, relative to penalties for OHRV violations by underage operators. (Itse, Rock 80: Transportation)  
45, psd 227, 272, conc S am 694, enr 762 (Chapter 104)
- HB 380**, requiring legislative approval of any settlement of certain lawsuits against the state. (Kurk, Hills 48: Finance)  
46, K 411
- HB 381-FN**, requiring proposed bills and rules to include an analysis of their impact on personal privacy. (Kurk, Hills 48; et al: Legislative Administration)  
46, ret 1004
- HB 382**, relative to state-funded health insurance. (Woods, Straf 69; et al: Commerce)  
46, ret 1004
- HB 383**, limiting the disclosure of personal information on government Internet sites and amending the information practices act. (Kurk, Hills 48; et al: Executive Departments and Administration)  
46, K 404-405
- HB 384**, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act. (Pilliod, Belk 31; et al: Commerce)  
**new title**: relative to financial affidavits in domestic relations cases.  
46, rules suspended 182, am 439-440, psd 519, S Com 871, 1007
- HB 385**, requiring compliance with local ordinances in the establishment of public ATV and trail bike trails on private lands. (Hallyburton, Hills 45; et al: Resources, Recreation and Development)  
46, ret 1004
- HB 386**, establishing a committee to study individual development accounts. (P. Sullivan, Hills 50: Finance)  
46, rem 319, K (RC) 341-344
- HB 387-FN**, allowing free admission to the state park system for active duty members of the armed services and certain members of the national guard and reserves. (P. Sullivan, Hills 50: State-Federal Relations and Veterans Affairs)  
**new title**: allowing free admission to the state park system for certain members of the New Hampshire national guard.  
**2<sup>nd</sup> title**: allowing free day-use admission to the state park system for certain active and retired members of the New Hampshire national guard.  
46, am 251-252 psd 272, nonconc S am, conf 762, 823, 860, rep adop 890, enr am 947, enr 948 (Chapter 282)
- HB 388**, permitting the reduction of the speed limit within a business or urban residence district or within the compact part of cities or towns to 15 miles per hour. (P. Sullivan, Hills 50; et al: Transportation)  
46, ret 1004
- HB 389**, relative to victim impact statements. (P. Sullivan, Hills 50; et al: Criminal Justice and Public Safety)  
**new title**: relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

**2<sup>nd</sup> new title:** relative to victim impact statements.

46, am 393-394, psd 518, nonconc S am, conf 864, 868, rep adop 891, enr 948 (Chapter 259)

**HB 390**, relative to liability of nonprofit organizations. (N. Johnson, Straf 68; et al: Judiciary)  
46, K 415

**HB 391**, requiring candidates to acknowledge restrictions on political advertising. (Bergin, Hills 47: Election Law)  
46, K 190

**HB 392-L**, requiring a study by the office of state planning of ways to improve the delivery of information and training to planning board and zoning board members. (Spang, Straf 72; et al: Executive Departments and Administration)  
46, K 405

**HB 393**, extending the reporting dates for certain study committees. (Alger, Graf 14; et al: Health, Human Services and Elderly Affairs)  
**new title:** extending the reporting date for the commission to study the relationship between public health and environment.  
46, psd 132, 142, conc S am 804, enr 886, report date extended 1007 (Chapter 196)

**HB 394**, relative to incompatible offices. (Vaillancourt, Hills 56; et al: Election Law)  
46, am 328, psd 344, S conc 690, enr 748 (Chapter 84)

**HB 395**, relative to proof of qualifications for voter registration. (Vaillancourt, Hills 56; et al: Election Law)  
46, rcmt 328, ret 1004

**HB 396-FN**, relative to penalties for tampering with or desecrating a burial site. (Morris, Rock 84; et al: Criminal Justice and Public Safety)  
46, K 212

**HB 397**, permitting towns and cities to deny a planning board application by a vote of the legislative body. (J. Dunn, Ches 25; et al: Municipal and County Government)  
46, K 191

**HB 398**, establishing a committee to study the establishment of a healthy adults corporation. (Mears, Coos 3: Commerce)  
46, K 440

**HB 399**, establishing the town of East Derry. (Dupuis, Rock 77; et al: Municipal and County Government)  
47, K (RC) 514-517

**HB 400**, not introduced

**HB 401**, relative to approvals under the groundwater protection act. (Spang, Straf 72; et al: Resources, Recreation and Development)  
47, am & K (RC) 532-536

**HB 402**, relative to child passenger restraints. (R. L'Heureux, Hills 58; et al: Transportation)  
47, am 431, psd 519, conc S am 694, enr 747 (Chapter 55)

**HB 403**, requiring persons who are acquitted of certain sexual assaults by reason of insanity to register as sexual offenders. (Crane, Hills 59; et al: Criminal Justice and Public Safety)  
47, ret 1004

**HB 404**, relative to common trust funds. (Hunt, Ches 28; Kenney, Dist 3: Commerce)  
47, psd 352, 517, S conc 749, enr 801 (Chapter 125)

**HB 405**, authorizing school districts to authorize a period of time for silent individual reflection in public schools. (Flayhan, Rock 80; et al: Education)  
47, K 286

- HB 406**, establishing a speed limit for powerboats on Lake Winnepesaukee. (Hatch, Carr 7; et al: Transportation)  
47, K 227-228
- HB 407**, allowing municipalities the option of appraising property based on assigned values reflecting the current use of property, and requiring the current use board to adopt criteria for such appraisal. (McCormick, Merr 32: Municipal and County Government)  
47, K 417
- HB 408**, relative to the definition of political "party." (Marple, Merr 37: Election Law)  
47, K 147
- HB 409**, relative to the accountability of public officials. (Marple, Merr 37: Criminal Justice and Public Safety)  
47, K 212
- HB 410**, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment. (Winchell, Rock 78; et al: Criminal Justice and Public Safety)  
47, am 394, psd 518, S nonconc 749
- HB 411**, allowing municipalities to adopt a property tax exemption for owners who permit snowmobile use. (King, Coos 1; et al: Municipal and County Government)  
47, K 521
- HB 412**, establishing a committee to study insurance coverage for alternative medical treatment. (Cloutier, Sull 22; et al: Commerce)  
47, K 352
- HB 413-L**, relative to awarding attorneys' fees and costs in abatement and certain appeals proceedings when the taxpayer prevails. (Mooney, Hills 58; et al: Municipal and County Government)  
**new title:** relative to certain appeals proceedings when the taxpayer prevails.  
47, am 417-418, psd 519, S conc 749, enr 801 (Chapter 133)
- HB 414**, requiring liquor liability insurance for state liquor licensees. (Mooney, Hills 58; et al: Commerce)  
47, K 352
- HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors. (Hopper, Hills 48; et al: Criminal Justice and Public Safety)  
**new title:** raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.  
47, am (RC) 442-445, psd 519, nonconc S am, conf 866, 870, rep adop 891, enr 954 (Chapter 283)
- HB 416**, requiring reciprocal discovery in criminal cases. (Sorg, Graf 11: Criminal Justice and Public Safety)  
47, K 146
- HB 417**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2007, and establishing a state government reorganization task force. (Splaine, Rock 86; et al: Executive Departments and Administration)  
47, K 405
- HB 418**, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (Derby, Carr 7: Criminal Justice and Public Safety)  
47, am 394, psd 518, nonconc S am, conf 674, 746, 872, (no report filed), Clerk's note 1003
- HB 419**, establishing a committee to study issues related to the management of railroads operating with leases on state property. (Stohl, Coos 1; et al: Public Works and Highways)  
47, am 134-135, psd 142, died on table (S message) 1002

- HB 420**, relative to state-owned trails and parking lots in the town of Windham. (DiFruscia, Rock 76; et al: Resources, Recreation and Development)  
47, am 426-427, psd 519, nonconc S am, conf 802, 863, rep adop 891 enr 947 (Chapter 260)
- HB 421-FN-A**, relative to the waiting list for services for people with developmental disabilities and making an appropriation therefor. (Holland, Rock 76: Finance)  
47, ret 1004
- HB 422**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Rowe, Hills 47: Judiciary)  
47, ret 1004
- HB 423**, relative to safe deposit boxes. (Reardon, Merr 39; Kenney, Dist 3: Commerce)  
47, am 352-353, psd 517, S conc 690, enr 748 (Chapter 85)
- HB 424**, relative to a net asset qualification and age qualifications for the elderly property tax exemption, and clarifying certain references in property tax exemptions. (Akins, Graf 18; et al: Municipal and County Government)  
**new title:** relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.  
48, am 418-419, psd 519, died on table (S message) 1002
- HB 425**, establishing the prescription drug cost task force. (Akins, Graf 18; et al: Health, Human Services and Elderly Affairs)  
48, K (RC) 194-195
- HB 426**, relative to the monitoring and approval of appraisers by the commissioner of revenue administration. (Stohl, Coos 1; et al: Municipal and County Government)  
48, ret 1004
- HB 427**, making the position of "treasurer" optional for school districts. (T. Robertson, Ches 25: Education)  
48, K 325
- HB 428**, relative to limiting liability of vendors and property owners during the operation of a farmers' market. (Ahern, Belk 29; et al: Judiciary)  
48, rem 144 rcmt rej & K 178
- HB 429**, relative to processing excavating and dredging permits. (Camm, Rock 79: Resources, Recreation and Development)  
48, ret 1004
- HB 430**, relative to the scope of family health insurance policies. (Moran, Hills 57; et al: Commerce)  
48, K 145
- HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property. (Moran, Hills 57; et al: Commerce)  
48, rules suspended 182, am 440, psd 519, S conc 799, enr 869 (Chapter 143)
- HB 432**, relative to nonbinding municipal referendums. (Dumaine, Rock 75; et al: Municipal and County Government)  
48, K 1221
- HB 433**, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. (P. Katsakiores, Rock 77; et al: Criminal Justice and Public Safety)  
48, ret 221
- HB 434-L**, relative to junkyards and motor vehicle recycling yards. (Alger, Graf 14; et al: Municipal and County Government)  
48, am 221, psd 272, conc S am 693, enr 762 (Chapter 118)

- HB 435**, relative to certificates of registration upon transfer of a vehicle. (Letourneau, Rock 77; et al: Transportation)  
48, psd 136, 142, S conc 669, enr 670 (Chapter 48)
- HB 436**, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. (Rodeschin, Sull 20; et al: Science, Technology and Energy)  
**new title:** relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring and relative to the real estate and personal property tax exemption.  
48, psd 159, 183, conc S am 674, enr 747 (Chapter 56)
- HB 437**, establishing a committee to study the feasibility of implementing common law grand juries in New Hampshire. (Marple, Merr 37: Judiciary)  
48, K 220
- HB 438-L**, relative to charging a disposal fee for temporary signs. (T. Robertson, Ches 25: Municipal and County Government)  
48, K 154
- HB 439**, allowing municipalities the option to tax land values at a different rate than buildings and improvements. (Noyes, Rock 76; et al: Municipal and County Government)  
48, K 522
- HB 440**, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals. (Chandler, Carr 4; et al: Fish and Game)  
48, ret 1004
- HB 441**, establishing a committee to study adoption of the Uniform Probate Code. (McEachern, Rock 86: Judiciary)  
48, K 220
- HB 442**, relative to emission control equipment. (Artz, Hills 64: Science, Technology and Energy)  
48, K 322
- HB 443**, granting prescriptive authority to qualified psychologists. (Kathleen Taylor, Straf 70; et al: Executive Departments and Administration)  
48, K 332
- HB 444**, relative to summoning witnesses from another state. (J. Wheeler, Hills 47: Judiciary)  
48, ret 1004
- HB 445**, relative to consideration of domestic violence in child custody and visitation decisions and relative to the time period in which a motion for protective order from domestic violence may be filed. (Stone, Rock 73; et al: Children and Family Law)  
48, K 194
- HB 446**, relative to building permits. (Bickford, Straf 68: Municipal and County Government)  
48, am 419-420, psd 519, S conc 749, enr 801 (Chapter 134)
- HB 447**, limiting retroactive child support awards under the uniform act on paternity. (Bickford, Straf 68: Children and Family Law)  
48, am 348, psd 517, S conc 869, enr 886 (Chapter 197)
- HB 448**, implementing a reasonableness standard for individualized education plans. (Alger, Graf 14; et al: Education)  
48, K 320
- HB 449**, relative to disclosure of the amount of property taxes paid by a tenant's rent. (Benn, Graf 17; et al: Judiciary)  
49, K 151
- HB 450**, not introduced

- HB 451**, relative to terminating rights to business names when transferring ownership of historic buildings. (B. Richardson, Ches 26; et al: Commerce)  
49, K 440-441
- HB 452**, relative to political advertising on public property. (Langley, Rock 88; et al: Municipal and County Government)  
49, K 420
- HB 453**, relative to recommendations of certain municipal boards. (Cady, Rock 73: Municipal and County Government)  
49, K 221-222
- HB 454**, relative to property rights and large groundwater withdrawals. (Cady, Rock 73; et al: Resources, Recreation and Development)  
49, rem 211, SO 271, K (RC) 277-280
- HB 455**, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. (S. Harris, Sull 22; et al: Municipal and County Government)  
49, psd 420, 519, died on table (S message) 1002
- HB 456**, relative to the supreme court's authority to appoint a member to the ballot law commission. (Marple, Merr 37; et al: Election Law)  
49, K 215
- HB 457**, establishing a committee to study the transportation needs of certain of the state's citizens. (G. Katsakiores, Rock 77; et al: Health, Human Services and Elderly Affairs)  
49, K 132
- HB 458**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. (P. Harrington, Hills 60; et al: Resources, Recreation and Development)  
49, rem 186, K 209-210
- HB 459**, relative to market conduct examinations. (Fraser, Merr 37; et al: Commerce)  
49, ret 1004
- HB 460-FN**, relative to property and casualty insurance. (D. Flanders, Belk 30; et al: Commerce)  
49, psd 353, 517, S conc 800, enr 869 (Chapter 144)
- HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities. (Joseph Manning, Ches 28; et al: Health, Human Services and Elderly Affairs)  
49, psd 150, 183, nonconc S am, conf 866, 870, rep adop 891, enr 915, appointments 1012 (Chapter 227)
- HB 462**, relative to the operation of ski craft within navigation channels. (Morris, Rock 84: Resources, Recreation and Development)  
49, K 157
- HB 463**, adding certain health care providers to certain statutes. (French, Merr 34; et al: Health, Human Services and Elderly Affairs)  
49, K 139-140
- HB 464-FN**, establishing a criminal penalty for facilitating a drug or underage alcohol house party. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
490, am 445-446, psd 516, S Com 1007
- HB 465**, relative to the rulemaking authority of the department of health and human services and relative to licensing rules for health facilities. (Patten, Carr 7; et al: Health, Human Services and Elderly Affairs)  
49, ret 1004



- HB 466**, relative to the adoption procedure for property tax exemptions and credits. (Patten, Carr 7; Municipal and County Government)  
50, am 420, psd 519, died on table (S message) 1002
- HB 467**, allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions. (Patten, Carr 7; et al: Municipal and County Government)  
**new title:** allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits.  
50, am 420-423, psd 519, died on table (S message) 1002
- HB 468**, relative to enforcement of the labor protection statutes. (Gilman, Graf 9; et al: Labor, Industrial and Rehabilitative Services)  
50, psd 416, 519, S nonconc 871
- HB 469**, relative to areas of the state for hunting by crossbow. (R. L'Heureux, Hills 58; et al: Fish and Game)  
50, am 218, psd 272, S conc 629, enr am 632, enr 669 (Chapter 35)
- HB 470**, relative to health insurance providers. (Gilman, Graf 9; et al: Commerce)  
50, am 353, psd 517, nonconc S am, conf 866, 870, rep adop 891 enr 954, appointments 1012 (Chapter 284)
- HB 471**, relative to cost containment practices and establishing an insurance review and advisory board. (Gilman, Graf 9; et al: Commerce)  
50, K 353
- HB 472**, relative to health insurance terminology. (Gilman, Graf 9; et al: Commerce)  
50, K 354
- HB 473**, relative to the board of mental health practice. (Flint, Sull 20; et al: Executive Departments and Administration)  
50, ret 1004
- HB 474**, relative to the appointment of alternates to sit at meetings of the planning and zoning boards and the rules of order used by local land use boards. (Hunter, Hills 48: Municipal and County Government)  
50, ret 1004
- HB 475**, establishing a committee to study possible oversight of alternative health care practitioners. (Hinkle, Hills 58: Health, Human Services and Elderly Affairs)  
50, K 150
- HB 476**, relative to incompatibility of municipal offices. (D. Eaton, Ches 24: Municipal and County Government)  
50, K 423
- HB 477**, establishing a 55 mile per hour speed limit on New Hampshire Route 9 from the Stoddard/Nelson town line to the Apple Hill road intersection in the town of Sullivan. (D. Eaton, Ches 24; et al: Transportation)  
**new title:** establishing certain speed limits.  
50, am 159-160, psd 183, conc S am 694, enr 762 (Chapter 105)
- HB 478**, establishing a committee to study methods of evaluating judges. (L. Christiansen, Hills 66; et al: Judiciary)  
50, K 415
- HB 479-FN**, directing the department of administrative services to develop a plan for implementing an electronic purchasing system for the state. (Crane, Hills 59; et al: Executive Departments and Administration)  
50, ret 1004

- HB 480-FN**, requiring the use of state credit cards for reimbursable expenses. (Crane, Hills 59; et al: Executive Departments and Administration)  
50, K 149
- HB 481**, prohibiting unfair trade practices in the production and sale of milk and dairy products. (Owen, Merr 34: Commerce)  
**new title:** establishing a committee to study the pricing of milk products.  
50, rules suspended, am 354, psd 517, nonconc S am, conf 694, 798, rep adop 891, enr 915, appointments 1012 (Chapter 228)
- HB 482**, establishing a committee to study certification of organic products. (Owen, Merr 34: Environment and Agriculture)  
50, ret 1004
- HB 483**, relative to expungement of records of protective orders. (Poulin, Coos 3: Criminal Justice and Public Safety)  
50, K 394-395
- HB 484**, providing immunity for law enforcement officers who participate in state mentoring programs. (Hunter, Hills 48: Judiciary)  
50, K 151
- HB 485**, relative to the membership on the invasive species committee. (L. Pratt, Coos 2; et al: Resources, Recreation and Development)  
50, am 135-136, psd 142, S conc & enr 669 (Chapter 36)
- HB 486**, relative to access to child support enforcement records. (Bickford, Straf 68; et al: Children and Family Law)  
50, am 348-359, psd 517, S conc 869, enr 886 (Chapter 198)
- HB 487**, relative to protective custody of a person impaired by drugs. (Hunter, Hills 48: Criminal Justice and Public Safety)  
50, psd 146, 182, S nonconc 691
- HB 488**, relative to leaf and yard waste. (Owen, Merr 34: Municipal and County Government)  
50, ret 1004
- HB 489**, relative to innovative land use controls. (Bruno, Hills 45: Municipal and County Government)  
50, K 423
- HB 490**, relative to the application of statutes, and rules or ordinances authorized by statutes. (Bruno, Hills 45: Judiciary)  
50, K 220
- HB 491**, relative to unlawful discriminatory practices in public accommodations. (Bruno, Hills 45: Judiciary)  
50, K 496
- HB 492**, establishing a statement of parental rights relative to school disciplinary measures, the content of educational materials and surveys, and the use of psychological testing and psychiatric drugs in schools. (Bruno, Hills 45: Education)  
51, ret 1004
- HB 493**, relative to the municipal budget act. (Kennedy, Merr 34: Municipal and County Government)  
51, ret 1004
- HB 494-L**, allowing the amendment of default budgets by municipal legislative bodies. (Kennedy, Merr 34: Municipal and County Government)  
51, K 423
- HB 495**, relative to unauthorized access to a wireless computer network. (Kennedy, Merr 34: Criminal Justice and Public Safety)  
51, psd 395, 518, died on table (S message) 1002

- HB 496**, establishing a committee to study the inclusion of New Hampshire in the Amber Alert program. (Pitts, Rock 86; et al: Children and Family Law)  
51, K 187
- HB 497**, relative to inactive status licenses. (Packard, Rock 75: Transportation)  
51, psd 137, 142, S conc 690, enr 748 (Chapter 86)
- HB 498**, relative to 20-day vehicle registrations. (Packard, Rock 75: Transportation)  
51, psd 137, 142, S conc 629, enr 668, (Chapter 17)
- HB 499**, expanding opportunities for teacher certification. (Alger, Graf 14; et al: Education)  
51, am 189-190, psd 210, S Com 800, 1007
- HB 500**, not introduced
- HB 501**, ratifying certain actions of the Rye conservation commission. (Langley, Rock 88; et al: Municipal and County Government)  
51, ret 1004
- HB 502**, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (Leach, Hills 42; et al: Science, Technology and Energy)  
51, psd 136, 142, conc S am 565, enr 668, appointments 1012 (Chapter 18)
- HB 503**, relative to septic system construction permits. (Philbrick, Carr 5; et al: Environment and Agriculture)  
51, ret 1004
- HB 504**, relative to refinancing home mortgages. (Jacobson, Merr 32: Commerce)  
51, rem 346, K 547
- HB 505**, relative to the membership of the liquor commission when conducting hearings. (Gilman, Graf 9; et al: Executive Departments and Administration)  
51, K 405
- HB 506**, establishing a committee to study the retention of membership fees in health clubs. (Gilman, Graf 9; et al: Commerce)  
**new title:** relative to health club membership initiation fees and renewal practices.  
51, rules suspended 182, am 354-355, psd 517, S conc 690, enr 748 (Chapter 87)
- HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Fraser, Merr 37: Commerce)  
51, rules suspended 182, am 355-359, psd 517, S conc 800, enr am 860-861, enr 872 (Chapter 175)
- HB 508**, relative to participation of insured defendants in superior court mediations. (Fraser, Merr 37: Judiciary)  
51, K 220-221
- HB 509**, relative to access to motor vehicle records. (Fraser, Merr 37: Transportation)  
51, am 431-432, psd 519, nonconc S am, conf 867, 870, rep adop 891 enr 948 (Chapter 261)
- HB 510**, relative to public inspection of fish and game information on landowner permissions for hunting. (Fraser, Merr 37: Fish and Game)  
51, K 150
- HB 511**, requiring New Hampshire Hospital security officers to be full-time certified police officers. (K. Gilbert, Rock 82; et al: Executive Departments and Administration)  
51, ret 1004
- HB 512**, relative to disability parking enforcement. (Kennedy, Merr 34: Criminal Justice and Public Safety)  
51, K 187

- HB 513**, relative to background checks of law enforcement agency employees. (Kennedy, Merr 34: Executive Departments and Administration)  
51, K 405
- HB 514**, relative to business and industrial development authorities. (McHugh, Hills 61; et al: Municipal and County Government)  
51, K 423
- HB 515**, exempting a landowner's written permission for the setting of traps from the right to know law. (Fraser, Merr 37: Fish and Game)  
**new title:** excluding certain agreements between fish and game licensees and landowners from the right-to-know law.  
51, am 488, psd 520, S conc 691, enr 748 (Chapter 91)
- HB 516-L**, relative to the standard of review for requests for excavating and dredging permits. (E. Smith, Ches 26; et al: Resources, Recreation and Development)  
51, ret 1004
- HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough. (E. Smith, Ches 26; et al: Public Works and Highways)  
**new title:** relative to the classification of certain roads in the town of Hillsborough and transferring ownership of any residual interest in a certain parcel of property from the state to the city of Keene.  
51, psd 135, 142, conc S am 315, enr am 345, enr 473 (Chapter 2)
- HB 518-FN-L**, implementing changes to the amount of school building aid for school districts. (Itse, Rock 80; et al: Education)  
51, K 194
- HB 519-FN-A**, relative to the conservation number plate trust fund. (Mock, Carr 04; et al: Resources, Recreation and Development)  
51, am & Finance 140-141, psd 580, 627, S conc 749, enr 801 (Chapter 126)
- HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing. (P. LaFlamme, Hills 61; et al: Environment and Agriculture)  
51, ret 1005
- HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
52, am 187-189, psd 210, conc S am 803, enr am 912, enr 915 (Chapter 243)
- HB 522-FN**, relative to penalties for child pornography. (Itse, Rock 80; et al: Criminal Justice and Public Safety)  
52, K 130
- HB 523-FN**, reducing the number of superior court justices. (Rowe, Hills 47: Judiciary)  
52, K 221
- HB 524-FN**, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
**new title:** relative to the annulment of certain domestic violence offenses.  
52, rem 346, am 549-550, psd 558, nonconc S am, conf 761, S rej conf req 824
- HB 525-FN**, relative to use of certain out-of-state creditable service for eligibility for payment of medical benefits cost. (R. Wheeler, Hills 48: Executive Departments and Administration)  
52, K 405
- HB 526**, requiring the governor to provide the legislature with a biennial strategic economic development plan. (Brady, Coos 2; et al: Executive Departments and Administration)  
52, K 405

- HB 527**, relative to the transfer of appropriations for certain expenditures under the municipal budget law. (N. Johnson, Straf 68: Municipal and County Government)  
52, K 424
- HB 528**, establishing a commission to study computer standards used in public schools in New Hampshire. (Carson, Rock 75: Education)  
52, am 320, psd 344, died on table (S message) 1002
- HB 529**, relative to the New Hampshire seed law. (Babson, Carr 6; et al: Environment and Agriculture)  
52, psd 403, 518, S conc 691, enr am 748, enr 762 (Chapter 106)
- HB 530**, prohibiting the sale of motor vehicles equipped with certain automatic door locks. (Bruno, Hills 45: Transportation)  
52, K 137
- HB 531**, relative to off-site improvements imposed on applicants to a planning board. (Bruno, Hills 45; et al: Municipal and County Government)  
52, psd 321-322, 344, S nonconc 748
- HB 532**, relative to notice and filing of divorce petitions. (Emerton, Hills 48; et al: Children and Family Law)  
52, ret 1005
- HB 533**, relative to health carrier disclosure for medical child support enforcement. (Emerton, Hills 48; et al: Health, Human Services and Elderly Affairs)  
52, am 218-219, psd 272, S conc 749, enr am 798, enr 869 (Chapter 145)
- HB 534**, relative to properties with 2 or more unregistered motor vehicles. (Bergeron, Hills 66: Transportation)  
52, K 432
- HB 535**, relative to the definition of billiards/pool hall for purposes of liquor licenses. (Bergeron, Hills 66: Commerce)  
52, K 441
- HB 536**, relative to the name of the department of resources and economic development. (Brady, Coos 2; et al: Executive Departments and Administration)  
52, K 149
- HB 537**, establishing a 211 commission. (Hager, Merr 40; et al: Science, Technology and Energy)  
52, ret 1005
- HB 538**, relative to the establishment of municipal economic development and revitalization districts by certain municipalities. (Kenison, Merr 41; et al: Municipal and County Government)  
52, K 424
- HB 539**, relative to dredging and filling in wetlands. (M. Allen, Rock 81: Resources, Recreation and Development)  
52, K 157
- HB 540**, establishing a committee to study a fee on withdrawals of water for commercial purposes. (M. Allen, Rock 81: Resources, Recreation and Development)  
52, K 427
- HB 541**, relative to the obligation of religious leaders to report child abuse. (Gile, Merr 38; et al: Children and Family Law)  
52, ret 1005
- HB 542**, establishing a committee to study replacing the New Hampshire statewide improvement and assessment test with testing which complies with the requirements of the federal No Child Left Behind Act of 2001. (Alger, Graf 14: Education)  
52, K 400

**HB 543**, relative to alternate members of the board of accountancy and appeals of board decisions. (Anderson, Merr 41: Executive Departments and Administration)

**new title:** relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

52, am 405-406, psd 518, nonconc S am, conf 716, 823, rep adop 891, enr 954 (Chapter 285)

**HB 544**, relative to the insurance cap on durable medical equipment. (Emerton, Hills 48: Commerce)  
52, K 356

**HB 545**, requiring building contractors to disclose the name of any subcontractors involved in the project. (Holden, Hills 48; et al: Commerce)  
52, ret 1005

**HB 546**, relative to uniform prescription drug information cards. (Kathleen Taylor, Straf 70: Commerce)  
52, am 356, psd 517, nonconc S am, conf 866, 870, rep adop 891, enr am 950-951, enr 954 (Chapter 286)

**HB 547**, establishing a committee to study public access television. (Infantine, Hills 54; et al: Science, Technology and Energy)  
**new title:** relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.  
52, am 428-429, psd 519, S nonconc 749

**HB 548**, relative to the notice period for teachers who are not rehired. (Kennedy, Merr 34: Education)  
52, K 213

**HB 549**, relative to parking for disabled persons. (Kennedy, Merr 34: Health, Human Services and Elderly Affairs)  
53, K 150

**HB 550**, not introduced

**HB 551**, relative to the effect of parental refusal to administer psychotropic drugs to their children. (Ingbretson, Graf 13; et al: Children and Family Law)  
53, ret 1005

**HB 552**, establishing a committee to study the Hillsborough County Nursing Home employment practices. (Holden, Hills 48; et al: Municipal and County Government)  
53, K 522

**HB 553**, relative to same-sex civil unions contracted outside of the state of New Hampshire. (Itse, Rock 80; et al: Children and Family Law)  
53, K 439

**HB 554**, relative to the procedure for assignment of juvenile probation and parole officers. (Itse, Rock 80; et al: Executive Departments and Administration)  
53, K 475

**HB 555**, requiring condominiums to comply with the Fair Housing Amendments Act and to provide accessible parking. (Kennedy, Merr 34: Commerce)  
53, K 356

**HB 556**, establishing a committee to study highway safety issues on New Hampshire Route 101 from Bedford to Keene. (Gibson, Hills 58; et al: Public Works and Highways)  
53, K 154-155

**HB 557**, banning cancellation of or rate increases in homeowner's insurance based on the number of claims and prohibiting motor vehicle insurers from using credit information for underwriting purposes. (Kurk, Hills 48; et al: Commerce)  
53, K 356-357

- HB 558**, relative to financial reports on bingo and lucky 7 operations. (Kurk, Hills 48; et al: Ways and Means)  
53, am 435-436, psd 519, nonconc S am, conf 867, 870, rep adop 891, enr 948 (Chapter 262)
- HB 559**, relative to grounds for termination of employment. (Holden, Hills 48; et al: Labor, Industrial and Rehabilitative Services)  
53, ret 1005
- HB 560**, making technical corrections to the New Hampshire Aeronautics Act. (Leber, Merr 35; et al: Public Works and Highways)  
**new title:** relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.  
**2<sup>nd</sup> new title:** relative to penalties for operating an aircraft while under the influence of alcohol or drugs, relative to fees related to aircraft, and making a technical correction.  
53, am 155, psd 183, conc S am 693, enr 869 (Chapter 146)
- HB 561**, repealing the Uniform Aircraft Financial Responsibility Act. (Leber, Merr 35; et al: Public Works and Highways)  
53, psd 155, 183, S conc 691, enr 748 (Chapter 88)
- HB 562**, establishing a committee to study air quality monitoring by the department of environmental services. (Hutchinson, Rock 75; et al: Science, Technology and Energy)  
**new title:** relative to an additional duty of the air pollution advisory committee.  
53, am 429, psd 519, S nonconc 749
- HB 563**, relative to the emancipation of minors. (E. Blanchard, Merr 38: Children and Family Law)  
53, ret 1005
- HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission. (Elliott, Hills 42; et al: Judiciary)  
54, rem 211 SO 271, am 276-277, psd 315, conc S am 752, enr 869 (Chapter 147)
- HB 565-FN-A**, establishing a commission to implement the Hampton Beach Master Plan. (O'Neil, Rock 85; et al: Public Works and Highways)  
54, am & Finance 156, psd 565, 627, S conc 749, enr am 798, enr 869 (Chapter 176)
- HB 566-FN-A**, making an appropriation for Welfare-to-Work state matching grants. (Hager, Merr 40; et al: Finance)  
54, K 487-488
- HB 567-FN-L**, relative to telecommunications infrastructure in state-owned rights-of-way. (Thomas, Belk 31: Public Works and Highways)  
54, ret 1005
- HB 568-L**, relative to legal residency for the purpose of public school education. (Snyder, Straf 67; et al: Education)  
54, am 400-401, psd 518, conc S am 803, enr 886 (Chapter 222)
- HB 569-FN-A-L**, relative to the dollar value of an adequate education. (Marple, Merr 37: Ways and Means)  
54, K 206-207
- HB 570-FN**, relative to motor vehicle records of persons involved in accidents. (Luebker, Hills 54: Transportation)  
54, K 228
- HB 571-FN-L**, relative to Old Newport Road and the end of Main Street in the town of Marlow. (Laurent, Ches 24: Public Works and Highways)  
54, psd 156, 183, S conc 749, enr 762 (Chapter 107)

- HB 572-FN**, relative to criminal non-support. (Dumaine, Rock 75; et al: Children and Family Law)  
54, K 439
- HB 573-FN**, relative to motor vehicle insurance. (Artz, Hills 64; et al: Commerce)  
54, rem 346, K 548
- HB 574-FN**, relative to retail vehicle dealer registrations. (Greenberg, Hills 50: Transportation)  
54, rem 144, K 179
- HB 575-FN**, relative to students at state colleges and universities who are registered to vote in New Hampshire. (Albert, Straf 67; et al: Finance)  
54, K 321
- HB 576-FN-A**, increasing the rate of the meals and rooms tax. (Bickford, Straf 68; et al: Ways and Means)  
54, K 193-194
- HB 577-FN-A-L**, relative to implementing the Help America Vote Act of 2002. (Flanagan, Rock 78; et al: Election Law)  
**new title:** relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.  
**2<sup>nd</sup> new title:** relative to implementing the Help America Vote Act of 2002.  
54, am & Finance 234-236, am 565-566, psd 627, nonconc S am, conf 856, 860, 868, rep adop (RC) 891-893, enr am 947, enr 948 (Chapter 266)
- HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. (P. Allen, Ches 27; et al: Environment and Agriculture)  
54, am & Finance 236-237, psd 580, 627, S conc 749, enr am 798-799, enr 869 (Chapter 148)
- HB 579-FN**, abolishing all requirements for certificates of title for motor vehicles. (Marple, Merr 37: Transportation)  
54, rem 144 (RC)179-181
- HB 580-FN-A**, establishing a task force for the promotion of firearm safety and environmental awareness. (Kennedy, Merr 34; et al: Criminal Justice and Public Safety)  
54, K 395
- HB 581-FN-L**, requiring a death record for an aborted fetus. (Gilman, Graf 9; et al: Health, Human Services and Elderly Affairs)  
54, K (RC) 197-199
- HB 582-FN**, increasing the penalty for abandoning a motor vehicle. (Akins, Graf 18; et al: Transportation)  
54, K 432
- HB 583-FN**, requiring training for election officials. (Buckley, Hills 56: Election Law)  
54, ret 1005
- HB 584-FN-A**, establishing the position of citizens' advocate in the department of environmental services and making an appropriation therefor. (Camm, Rock 79: Executive Departments and Administration)  
54, K 218
- HB 585-FN**, allowing teachers of private academies which provide public education to be included in the retirement system. (Robert Johnson, Rock 73: Executive Departments and Administration)  
54, ret 1005
- HB 586-FN-A**, relative to the infant deafness program and making an appropriation therefor. (Ouellette, Merr 33: Health, Human Services and Elderly Affairs)  
54, K 200



- HB 587-FN**, relative to reimbursement for services provided in delinquency, children in need of services, and abuse and neglect proceedings. (Vachon, Straf 68: Children and Family Law) 54, ret 1005
- HB 588-L**, relative to nonconforming residential uses. (Hutchinson, Rock 75: Municipal and County Government) 54, K 424
- HB 589-FN-A-L**, establishing a tax on purchases of bulk paper stock and establishing a bulk newsprint recycling fund. (V. Clark, Rock 79: Ways and Means) 54, K 323
- HB 590-FN**, relative to highway fund budget reporting requirements. (Weyler, Rock 79; et al: Public Works and Highways) 55, am & Finance 191-192, psd 566, 627, nonconc S am, conf 762, 823, rep adop 894, enr 948 (Chapter 263)
- HB 591-FN**, allowing a certain former state employee to apply for accidental disability benefits. (Fraser, Merr 37: Executive Departments and Administration) 55, psd 238, 272, S conc 800, enr 869 (Chapter 171)
- HB 592-FN**, relative to funding the compensation and benefits of teachers. (Cady, Rock 73; et al: Education) 55, K (RC) 325-327
- HB 593-FN-L**, relative to solid waste facilities in small towns. (Brady, Coos 2; et al: Environment and Agriculture) 55, am 472-473, psd 519, conc S am 693, enr am 750, enr 762 (Chapter 108)
- HB 594-FN-L**, relative to the return of employer contributions for retirement system members who terminate employment prior to vesting. (Stritch, Rock 75; et al: Executive Departments and Administration) 55, K 406
- HB 595-FN-A**, establishing an exemption from the electricity consumption tax. (Alger, Graf 14; et al: Ways and Means) 55, K 334
- HB 596-FN**, relative to health plan loss information. (R. Wheeler, Hills 48; et al: Commerce) 55, am 357, psd 517, S conc 749, enr 801 (Chapter 127)
- HB 597-FN-A**, appropriating funds to the barn preservation fund matching grants program. (Babson, Carr 6: Finance) 55, K 321
- HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor. (Babson, Carr 6; et al: Finance)  
**new title:** relative to the agricultural nutrient management program and making an appropriation therefor. 55, am 332-333, psd 344, conc S am 803, enr am 912, enr 915 (Chapter 229)
- HB 599-FN-L**, relative to hazardous waste liability. (Gilman, Graf 9; et al: Environment and Agriculture) 55, K 473
- HB 600**, not introduced
- HB 601**, relative to the long-term care insurance act. (Spiess, Hills 47: Commerce) 55, psd 357, 517, S conc 800, enr am 861, enr 872 (Chapter 180)
- HB 602-FN**, relative to vehicles with plow attachments. (Dupuis, Rock 77: Transportation) 55, K 160

- HB 603-FN-L**, requiring school districts to reimburse a portion of per pupil costs directly to parents or legal guardians of pupils who do not attend a public school. (Campbell, Straf 68; et al: Education) 55, K (RC) 448-450
- HB 604**, relative to the filing of federal liens under the uniform federal lien registration act. (Ingbretson, Graf 13; et al: Commerce) 55, K 357
- HB 605-FN**, relative to prohibited election day activity. (Buckley, Hills 56: Election Law)  
**new title:** relative to prohibited election day activity and relative to electioneering by public employees.  
55, am 403, psd 518, conc S am 752, enr 869 (Chapter 172)
- HB 606**, establishing a right-to-know study commission. (Thomas, Belk 31; et al: Judiciary)  
**new title:** establishing a right-to-know study commission and relative to meetings open to the public.  
55, psd 321, 344, nonconc S am, conf 802, 863, 872, rep adop (RC) 894-896, enr am 947, enr 948, appointments 1012 (Chapter 287)
- HB 607-FN**, relative to the determination of just compensation in eminent domain proceedings. (Wendelboe, Belk 29; et al: Public Works and Highways) 55, ret 1005
- HB 608-FN-L**, reducing the education property tax rate and relative to the base cost for calculating adequate education grants. (Hess, Merr 37; et al: Ways and Means)  
**new title:** reducing the education property tax rate and relative to the calculation of adequate education grants.  
55, am & Finance (4RCs) 252-264, action postponed 580, 591-607, psd 628, nonconc S am, conf (RC) 856-858, 868, rep adop (RC) 896-899, enr am 945-946, enr 946, appointments 1012 (Chapter 241)
- HB 609-FN-A**, relative to public interest payphones. (Phinizy, Sull 23; et al: Science, Technology and Energy) 55, rules suspended 182, rem 211, SO 271, K 283
- HB 610-FN-L**, relative to reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state college. (Naro, Graf 15; et al: Finance) 55, ret 1005
- HB 611-FN-A**, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions. (Itse, Rock 80; et al: Transportation) 56, rem 211, SO 271, K (RC) 283-285
- HB 612-FN-L**, increasing state appropriations to school districts for certain special education costs. (Itse, Rock 80; et al: Education) 56, ret 1005
- HB 613-FN-L**, relative to incineration and air quality. (Phinizy, Sull 23; et al: Science, Technology and Energy) 56, rules suspended 182, K 539
- HB 614-FN-L**, requiring the state to pay the total expense of fighting forest and brush fires on any state-owned park or forest land. (Rush, Merr 36; et al: Finance) 56, rem 319, K 344
- HB 615-FN**, relative to the requirements for registration of sexual offenders. (K. Gilbert, Rock 82; et al: Criminal Justice and Public Safety)  
**new title:** relative to the requirements for registration of sexual offenders and relative to certain acts of sexual assault.  
56, am 395-396, psd 518, nonconc S am, conf 856, 868, rep adop 899, enr am 951, enr 954 (Chapter 316)

- HB 616-FN-L**, relative to the Hampton real estate trust fund. (O'Neil, Rock 85; et al: Municipal and County Government)  
56, am 322, psd 344, S conc 669, enr 670 (Chapter 53)
- HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. (Langley, Rock 88: Executive Departments and Administration)  
56, am 406-407, psd 518, conc S am 752, enr 869 (Chapter 149)
- HB 618-FN-A**, establishing a property tax cap for persons over 65 years of age. (Packard, Rock 75; et al: Municipal and County Government)  
56, ret 1005
- HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. (Leber, Merr 35; et al: Education)  
**new title:** expanding opportunities for dropout prevention and dropout recovery.  
56, am & Finance 213, am 566, psd 627, nonconc S am, conf 866, 870, rep adop 899, enr am 951-952, enr 954, appointments 1017 (Chapter 288)
- HB 620-FN**, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. (Espieffs, Ches 25; et al: Children and Family Law)  
56, am 349, psd 517, S Com 1007
- HB 621-FN-A-L**, establishing an early childhood literacy program. (Kurk, Hills 48; et al: Education)  
**new title:** extending the Parents as Teachers program in Sullivan county and making an appropriation therefor.  
56, rcmt rej & Finance (RC) 230-233, am (RC) 580-583, recon rej (RC) 624-627, psd 627, nonconc S am, conf 858, 868, rep adop 899, enr 954 (Chapter 317)
- HB 622-FN**, excluding tax abatement sessions from nonpublic sessions and including costs for non-attorney representatives under the right-to-know law. (Cady, Rock 73; et al: Judiciary)  
56, ret 1005
- HB 623-FN-A**, repealing RSA 77, relative to taxation of incomes. (Phinizy, Sull 23; et al: Ways and Means)  
56, K (RC) 207-209
- HB 624-FN-A**, relative to appropriations to and revenues from the division of ports and harbors. (Pantelakos, Rock 86; et al: Public Works and Highways)  
56, K 156
- HB 625-FN-L**, relative to the interest rate on delinquent property taxes in property redemptions. (Bergin, Hills 47: Municipal and County Government)  
56, K 424
- HB 626-FN**, relative to notification, custody rights, and right to counsel of parents in child abuse and neglect cases. (Itse, Rock 80; et al: Children and Family Law)  
56, K 211-212
- HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. (Drisko, Hills 46; et al: Election Law)  
**new title:** relative to domicile for voting purposes, penalties for voter fraud, and access to pre-served ballots.  
56, am (RC) 456-472, psd 519, nonconc S am, conf 802, 863, rep adop 899, enr am 952, enr 954 (Chapter 289)
- HB 628-FN-A-L**, modifying the funding and distribution of moneys for an adequate education. (McCormick, Merr 32: Ways and Means)  
56, K 209

- HB 629-FN-A-L**, relative to adequate education grants to cities and towns and relative to adjusting the education property tax rate based on the statewide cost of an adequate education. (Rowe, Hills 47: Ways and Means)  
56, K 264
- HB 630-FN**, relative to penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members. (Thomas, Belk 31: Criminal Justice and Public Safety)  
**new title:** relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.  
56, am 396-397, psd 518, S Com 1007
- HB 631-FN-A**, relative to emergency access to Interstate 95 in the towns of Hampton and Hampton Falls and making an appropriation therefor. (Weare, Rock 84; et al: Public Works and Highways)  
56, K 222
- HB 632-FN-A-L**, limiting the collection by the state of excess education property tax payments. (Derby, Carr 7; et al: Ways and Means)  
56, K 228
- HB 633-FN**, establishing the interstate compact for adult offender supervision. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
57, psd 189, 210, S conc 869, enr am 912-913, enr 915 (Chapter 230)
- HB 634-FN-L**, establishing a limit on the applicable tax rate for local school district taxes. (Vachon, Straf 68: Ways and Means)  
57, rem 211, SO 271, K 286
- HB 635-FN-A-L**, creating a legislative committee to review rules and propose legislation for the repeal of RSA 541-A, and instituting a moratorium on the filing of rules by state agencies. (Marple, Merr 37; et al: Executive Departments and Administration)  
57, K 407
- HB 636-FN**, relative to mandatory automobile insurance. (Arnold, Hills 46: Commerce)  
57, rem 346, K 548
- HB 637-FN**, relative to damages against a defendant based upon the defendant's conviction of a felony offense. (Batchelder, Ches 24: Criminal Justice and Public Safety)  
57, K 397
- HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. (Holbrook, Belk 30: Ways and Means)  
57, rules suspended 346, am & Finance 436, am 583, psd 627, died on table (S message) 1002
- HB 639-FN-L**, relative to receiving voter approval though warrant articles before a municipality may continue a program initiated under a grant. (Dickinson, Carr 4; et al: Municipal and County Government)  
**new title:** relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.  
57, am 424, psd 519, S conc 748, enr 762 (Chapter 109)
- HB 640-FN**, relative to post-conviction DNA testing. (Lasky, Hills 65; et al: Criminal Justice and Public Safety)  
57, ret 1005
- HB 641-FN-A-L**, targeting aid for education to certain school districts. (Hess, Merr 37; et al: Education)  
57, ret 1005

- HB 642-FN**, relative to police patrolling of the Pleasant Street campus access path in the town of Plymouth. (M. Cooney, Graf 15; et al: Finance)  
57, K 321
- HB 643-FN**, relative to establishing the family division of the courts statewide. (Weyler, Rock 79; et al: Judiciary)  
57, Finance (RC) 242-245, ret 1005
- HB 644-FN-A**, relative to selling advertising space on state paychecks, vendor checks, and websites. (Crane, Hills 59; et al: Ways and Means)  
57, K 323
- HB 645-FN-A-L**, establishing a pilot program for partial tax abatements on new construction of private schools. (Hunt, Ches 28; et al: Municipal and County Government)  
57, ret 1005
- HB 646-FN**, relative to liquor licenses and fees. (Francoeur, Rock 85: Commerce)  
57, am 357-358, psd 518, conc S am 858, enr am 913, enr 938 (Chapter 231)
- HB 647-FN-L**, relative to payment of autopsy expenses. (Pilliod, Belk 31; et al: Finance)  
57, K 411
- HB 648-FN**, relative to paid political phone calls. (Buckley, Hills 56: Election Law)  
57, K 215
- HB 649-FN-A**, creating certain positions within the office of state planning and the university system of New Hampshire and making an appropriation therefor. (Lockwood, Merr 35; et al: Municipal and County Government)  
**new title:** establishing a building permit surcharge to fund regional planning initiatives.  
57, am & Finance 245-247, ret 1005
- HB 650**, not introduced
- HB 651-FN**, relative to portability of retirement plan funds into the New Hampshire retirement system and the purchase of prior service. (Langley, Rock 88; et al: Executive Departments and Administration)  
57, ret 1005
- HB 652-FN**, relative to qualified wellness or disease management programs. (Hunt, Ches 28; et al: Commerce)  
57, ret 1005
- HB 653-FN-A**, authorizing the production of industrial hemp. (Owen, Merr 34; et al: Environment and Agriculture)  
58, ret 1005
- HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Akins, Graf 18; et al: Criminal Justice and Public Safety)  
58, am 397, psd 518, nonconc S am, conf 761, 823, rep adop 899, enr 954 (Chapter 290)
- HB 655-FN**, relative to motor vehicle dealer license applications. (Bergeron, Hills 66: Transportation)  
58, K 432
- HB 656-FN**, repealing the family division pilot program. (Dudley, Graf 18; et al: Judiciary)  
58, ret 1005
- HB 657-FN**, relative to creditable service in the retirement system for the time that teachers were required to take pregnancy and maternity leave. (Buckley, Hills 56: Executive Departments and Administration)  
58, K 407

- HB 658-FN**, relative to impersonation of candidates. (Buckley, Hills 56: Election Law)  
58, psd 215, 272, S conc 691, enr 748 (Chapter 93)
- HB 659-FN**, relative to penalties for failure to obey a subpoena or summons. (Dumaine, Rock 75; et al: Criminal Justice and Public Safety)  
58, am 397, psd 518, S conc 749, enr 801 (Chapter 128)
- HB 660-FN**, relative to the fee for excavating and dredging permits. (Camm, Rock 79: Resources, Recreation and Development)  
58, K 223
- HB 661-FN-L**, relative to Westport Village Road in the town of Swanze. (Liebl, Ches 27: Public Works and Highways)  
58, psd 426, 519, S conc 691, enr 748 (Chapter 89)
- HB 662-FN**, establishing the New Hampshire volunteer elementary teachers and students program. (W. Field, Merr 36; et al: Education)  
58, K 401
- HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs. (King, Coos 1; et al: Ways and Means)  
**new title:** relative to county and state funding of long-term care medicaid programs and relative to transferring state information technology management to the governor's office of information technology.  
58, am & Finance 228-229, am 584-591, psd 628, nonconc S am, conf 867, 870, rep adop (RC)899-901, enr am & enr 911, committees amended 1008, appointments 1015 (Chapter 223)
- HB 664-FN**, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks. (Hunt, Ches 28; et al: Criminal Justice and Public Safety)  
58, ret 1005
- HB 665-FN-L**, relative to municipal and county audits. (Marple, Merr 37; et al: Executive Departments and Administration)  
58, K 407
- HB 666-FN-A**, expanding the meals and rooms tax to include a tax on admission charges for entertainment. (Hatch, Carr 7: Ways and Means)  
58, K 194
- HB 667-FN-A**, relative to exit tolls and increasing the gasoline tax. (Greenberg, Hills 50: Public Works and Highways)  
58, K 248
- HB 668-FN-A-L**, permitting municipalities to adopt a local addition to the real estate transfer tax dedicated to conservation purposes. (Gould, Rock 77; et al: Municipal and County Government)  
58, K 424
- HB 669-FN**, relative to dental care insurance for state employees and retired state employees. (Emerton, Hills 48; et al: Executive Departments and Administration)  
**new title:** relative to dental insurance benefits and eligibility for medical benefits for retired state  
**2<sup>nd</sup> new title:** relative to eligibility for medical benefits for retired state employees.  
58, am 238-239, psd 272, nonconc S am, conf 866, 870, rep adop 901, enr am 947, enr 948 (Chapter 291)
- HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. (Pilliod, Belk 31; et al: Executive Departments and Administration)  
**new title:** establishing a procedure for release by a state agency of statistical information for research purposes and relative to health care data.  
58, am 407-409, psd 518, nonconc S am, conf 761, 823, rep adop 901, enr am 952, enr 954 (Chapter 292)

- HB 671-FN-A**, establishing a contributory defined benefit judicial retirement plan. (R. Wheeler, Hills 48; et al: Finance)  
58, Exec Depts 191, rules suspended 346, am & Finance 475-485, psd 591, 628, nonconc S am, conf 866, 870, rep adop 902, enr am 952, enr 954, appointments 1016 (Chapter 311)
- HB 672-FN**, relative to the notice of appointment of an administrator or executor of an estate in probate court proceedings. (O'Neil, Rock 85: Judiciary)  
58, K 415
- HB 673-FN-L**, relative to municipal water system connection fees. (Bickford, Straf 68: Municipal and County Government)  
58, rem 211 SO 271, rcmt 277, K 425
- HB 674-FN**, relative to legal representation for indigent parties under the Child Protection Act. (Bickford, Straf 68: Children and Family Law)  
**new title:** relative to legal representation for indigent parties and notification requirements under the Child Protection Act.  
**2<sup>nd</sup> new title:** relative to notification requirements under the Child Protection Act.  
58, am 349-350, psd 517, conc S am 803, enr 886 (Chapter 199)
- HB 675-FN**, relative to enhanced 911 reimbursements to commercial mobile radio service providers. (S. L'Heureux, Merr 37: Science, Technology and Energy)  
58, K 429
- HB 676-FN**, relative to lake level investigations. (Lawton, Belk 30: Resources, Recreation and Development)  
58, am 427, psd 519, died on table (S message) 1002
- HB 677-FN**, increasing the number of reserved student slots in medical programs, establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. (S. Harris, Sull 22; et al: Health, Human Services and Elderly Affairs)  
**new title:** increasing the number of reserved student slots in medical programs, establishing a reduction of medical indebtedness program for physicians who practice in underserved areas, and making an appropriation therefor.  
58, Finance 169, psd 567, 627, conc S am 858, enr am 913, enr 938 (Chapter 232)
- HB 678-FN**, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. (Stohl, Coos 1; et al: Criminal Justice and Public Safety)  
59, psd 146, 183, S conc 629, enr 668 (Chapter 23)
- HB 679-FN**, relative to medical savings accounts. (Wendelboe, Belk 29; et al: Executive Departments and Administration)  
59, K 218
- HB 680-FN**, relative to services contracts. (D. Flanders, Belk 30; et al: Commerce)  
**new title:** establishing a committee to study service contracts and repealing the law regarding legal services insurance.  
**2<sup>nd</sup> new title:** establishing a committee to study service contracts and relative to prepaid legal services contracts.  
59, rem 346, am 548-549, psd 558, nonconc S am, conf 761, 824, rep adop 902 enr 954, appointments 1013 (Chapter 293)
- HB 681-FN-L**, relative to the allocation of a municipality's share of county taxes. (Patten, Carr 7: Municipal and County Government)  
59, ret 1005
- HB 682-FN**, relative to dual sentencing of certain juveniles. (Gilman, Graf 9; et al: Children and Family Law)  
59, K 350

- HB 683-FN**, relative to escape or attempted escape from a juvenile facility. (Gilman, Graf 9; et al: Children and Family Law)  
59, K 350
- HB 684-FN**, relative to the insurance rating law. (Hunt, Ches 28: Commerce)  
59, am 358-359, psd 518, S conc 749, enr am 799, enr 869 (Chapter 150)
- HB 685-FN-A-L**, exempting transfers of real property with conservation, preservation, or development restrictions from the real estate transfer tax. (N. Johnson, Straf 68; et al: Ways and Means)  
59, K 184
- HB 686-FN**, relative to health insurance provided through the state. (Bickford, Straf 68: Executive Departments and Administration)  
59, ret 1005
- HB 687-FN**, establishing adoption services number plates. (B. Richardson, Ches 26; et al: Transportation)  
59, K 160
- HB 688-FN-L**, relative to taxation of property within village districts by municipalities. (Dupuis, Rock 77; et al: Municipal and County Government)  
59, K 425
- HB 689-FN**, relative to drivers' licenses issued to persons under the age of 21. (Owen, Merr 34: Transportation)  
59, ret 1005
- HB 690-FN**, relative to agricultural crop damage. (Owen, Merr 34; et al: Criminal Justice and Public Safety)  
**new title:** relative to agricultural crop damage and relative to agricultural liming materials.  
**2<sup>nd</sup> new title:** relative to agricultural vandalism and relative to agricultural liming materials.  
59, am 398, psd 518, conc S am 752, enr am 871, enr 872 (Chapter 181)
- HB 691-FN-L**, creating a credit against property tax liability for a portion of the cost of home-educated pupils and pupils attending nonpublic schools. (Bruno, Hills 45: Municipal and County Government)  
59, K 425
- HB 692-FN-A-L**, revising the property tax relief program in order to cap education property tax payments at 5 percent of adjusted gross income. (Burling, Sull 19; et al: Ways and Means)  
59, K 264
- HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission. (Whalley, Belk 31; et al: Election Law)  
59, am (RC) 329-332, psd 344, conc S am 752, enr 869 (Chapter 151)
- HB 694-FN**, relative to tobacco product manufacturers not entering master settlement agreements. (Emerton, Hills 48; et al: Commerce)  
**new title:** relative to tobacco product manufacturers not entering master settlement agreements and changing the tax on tobacco products other than cigarettes.  
59, am 359-360, psd 518, conc S am 752, enr 869 (Chapter 152)
- HB 695-FN**, making placement of political advertising on public property subject to state litter laws. (Splaine, Rock 86: Election Law)  
59, ret 1005
- HB 696-FN**, establishing licensure to forensic counselors. (Anderson, Merr 41: Executive Departments and Administration)  
59, K 409



- HB 697-FN**, relative to the sale of motor fuel. (Packard, Rock 75: Public Works and Highways) 59, ret 1005
- HB 698-FN**, relative to electronic toll collection. (Packard, Rock 75: Public Works and Highways) 59, ret 1005
- HB 699-FN**, relative to abandoned vehicles. (Packard, Rock 75; et al: Transportation) 59, am 432, psd 519, conc S am 694, enr 762 (Chapter 119)
- HB 700**, not introduced
- HB 701-FN**, relative to fees for low-digit number plates. (Wendelboe, Belk 29: Ways and Means) 60, K (RC) 334-337
- HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Zolla, Rock 77: Executive Departments and Administration) 60, Finance 149 psd 567, 627, nonconc S am, conf 802, 863, rep adop 902, enr 954 (Chapter 294)
- HB 703-FN**, permitting free admission to the state park system for disabled veterans. (Corbin, Rock 79; et al: State-Federal Relations and Veterans Affairs)  
**new title:** permitting free day-use admission to the state park system for disabled veterans. 60, am 226, psd 272, conc S am 760, enr 869 (Chapter 153)
- HB 704-FN**, relative to the retirement system classification for the director of field services, department of corrections. (Tholl, Coos 2: Executive Departments and Administration) 60, ret 1005
- HB 705**, establishing a committee to study eliminating the application of the communications services tax to the provision of Internet services. (Thomas, Belk 31; et al: Ways and Means)  
**new title:** establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.  
**2<sup>nd</sup> new title:** establishing a committee to study the application of the communications services tax and continuing the property tax exemption for wooden poles and conduits. 60, rules suspended 346, am & Finance 436-437, psd 607, 628, nonconc S am, conf 867, 871, rep rej (RC) 902-904, recon & adop 907, enr 948, appointments 1013 (Chapter 270)
- HB 706-FN-L**, relative to the definition of net indebtedness under the municipal finance act. (Maxfield, Merr 35; et al: Municipal and County Government) 60, K 222
- HB 707-FN**, relative to the statute of limitations in sexual assault cases. (Leach, Hills 42; et al: Judiciary) 60, K 496
- HB 708-FN-L**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 5: Public Works and Highways) 60, K 222
- HB 709-FN**, relative to nursing homes in receivership. (Dalrymple, Rock 76: Health, Human Services and Elderly Affairs)  
**new title:** relative to nursing homes and other residential care facilities in receivership. 60, am 488-489, psd 520, nonconc S am, conf 866, 870, rep adop 904, enr 948 (Chapter 264)
- HB 710-FN-L**, relative to the confidentiality of library user records. (Holden, Hills 48: Children and Family Law) 60, K 351
- HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles. (Fraser, Merr 37: Commerce) 60, rules suspended 182, am 360-367, psd 518, conc S am 693, enr am 750, enr 801 (Chapter 129)

- HB 712-FN**, relative to long-term care. (French, Merr 34: Executive Departments and Administration) 60, ret 1005
- HB 713-FN**, relative to the penalty for violating a zoning ordinance. (M. Cooney, Graf 15; et al: Municipal and County Government) 60, ret 1005
- HB 714-FN-A**, excluding cable Internet services from the communications services tax. (Luebker, Hills 54; et al: Ways and Means) 60, K 264-265
- HB 715-FN**, requiring persons found incompetent to stand trial to be placed in the secure psychiatric unit. (Wendelboe, Belk 29: Criminal Justice and Public Safety) 60, ret 1005
- HB 716-FN**, repealing the procedures for administration of small estates. (O'Neil, Rock 85: Judiciary) 60, ret 1005
- HB 717-FN-L**, relative to targeted aid to education. (Gionet, Graf 11: Ways and Means) 60, am (RC) & Finance 265-270, am 607-608, psd 628, S nonconc 750
- HB 718-FN**, relative to endangering the welfare of a minor and amending the statute of limitations for sexual assault of a child. (Knowles, Straf 69; et al: Criminal Justice and Public Safety)  
**new title**: relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.  
**2<sup>nd</sup> new title**: relative to judicial proceedings for crimes committed by a minor which are not charged until after the minor reaches the age of majority and relative to the statute of limitations in cases involving destruction or falsification of evidence, witness tampering, or other unlawful conduct.  
 60, am 398, psd 518, nonconc S am, conf 761, 824, rep adop 904, enr 948 (Chapter 265)
- HB 719-FN-A**, relative to the duties, function, and operation of the Pease development authority. (Leber, Merr 35; et al: Public Works and Highways) 60, am (RC) & Finance 305-308, psd 608, 628, conc S am 804, enr am 913-914, enr 938 (Chapter 242)
- HB 720-FN-L**, extending the kindergarten aid program. (Kurk, Hills 48; et al: Finance) 60, am 333, psd 344, died on table (S message) 1002
- HB 721-FN**, establishing a marine preservation number plate. (Morris, Rock 84: Transportation) 60, K 160
- HB 722-FN**, relative to land use changes. (Hutchinson, Rock 75: Municipal and County Government) 60, K 425
- HB 723-FN-L**, relative to the definition of residences in an industrial or commercial zone. (Hutchinson, Rock 75: Municipal and County Government) 60, K 425
- HB 724-FN-L**, extending the effective date of the Skyhaven airport transfer plan. (Keans, Straf 67; et al: Public Works and Highways)  
**new title**: extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.  
 60, Finance 222, psd 608, 628, conc S am 859, enr 886, veto overridden (RC) 989-992, S overrode veto 999 (Chapter 320)
- HB 725**, relative to fraternal benefit societies. (Fraser, Merr 37: Commerce) 60, psd 367, 518, S conc 800, enr am 871, enr 872 (Chapter 182)
- HB 726-FN**, relative to enforcement of spousal support orders by the department of health and human services. (Gorman, Hills 62; et al: Children and Family Law) 60, ret 1005

- HB 727-FN-L**, revising the school administrative unit system. (Albert, Straf 67; et al: Education) 60, ret 1005
- HB 728-FN-A**, establishing a dedicated fund for organic certification inspections. (Owen, Merr 34: Environment and Agriculture) 60, am & Finance 237-328, psd 608, 628, S conc 749, enr am 862, enr 872 (Chapter 177)
- HB 729-FN**, relative to the regulation of tanning facilities. (Dalrymple, Rock 76; et al: Executive Departments and Administration) 60, ret 1005
- HB 730-FN-L**, relative to workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases. (P. Katsakiores, Rock 77; et al: Labor, Industrial and Rehabilitative Services) 61, ret 1005
- HB 731-FN**, relative to penalties for intoxication and under the influence of drug offenses. (Arnold, Hills 46: Criminal Justice and Public Safety) 61, K 398-399
- HB 732-FN**, relative to fines for forestry law violations, and deceptive forestry business practices. (Alger, Graf 14: Resources, Recreation and Development)  
**new title:** relative to fines for forestry law violations, relative to deceptive forestry business practices, establishing a commission to study setback requirements for land application of septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. 61, am 223-224, psd 272, conc S am 667, enr am & enr 670 (Chapter 43)
- HB 733-FN**, relative to drivers' licenses held by national guard members. (Elliott, Hills 42; et al: Transportation)  
**new title:** relative to drivers' licenses held by members of the national guard or military reserve. 61, am 314-315 psd 315 nonconc S am, conf 867, 870, rep adop 904 (unable to agree)
- HB 734-FN-A**, establishing a pilot program to open the state house on Saturdays. (MacKay, Merr 39; et al: Legislative Administration) 61, ret 1005
- HB 735-FN**, relative to prescription drugs and medicaid best practices. (Wendelboe, Belk 29: Health, Human Services and Elderly Affairs) 61, am & Exec Dept 241-242, 346, am & Finance 409-411, am 608-610, psd, died on table (S message)
- HB 736**, relative to duties of the fish and game commission and complaints against fish and game commissioners. (Mock, Carr 4; et al: Fish and Game) 61, ret 1006
- HB 737-FN-A**, relative to the state conservation committee and making an appropriation therefor. (M. Blanchard, Rock 86; et al: Executive Departments and Administration)  
**new title:** relative to the state conservation committee. 61, Finance 240, am 610, psd 628, conc S am 803, enr 886, veto sustained (RC) 992-995
- HB 738-FN-A-L**, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. (R. Cooney, Rock 76; et al: Resources, Recreation and Development) 61, Finance 249, am 610, psd 628, S conc 800, enr am 862, enr 872 (Chapter 178)
- HB 739-FN-A**, relative to the medicaid provider reimbursement system; and business and enterprise tax deductions for employers that offer long term care policies; study of the nursing leveraged scholarship program; development of a plan to establish nursing programs at the community technical colleges; the information and referral network for elderly and chronically ill adults and making an appropriation therefor. (Rogers Johnson, Rock 83; et al: Commerce) 61, ret 1006

- HB 740-FN-L**, relative to the process for adopting a default budget in official ballot towns, and applying the default budget provisions in school districts having adopted the official ballot method. (Phinizy, Sull 23; et al: Municipal and County Government)  
61, K 229
- HB 741-FN**, relative to an education property tax cap for retired residents. (Giuda, Graf 13; et al: Ways and Means)  
61, K 229
- HB 742**, establishing a committee to study the relationship between groundwater withdrawals and the ownership of watershed land. (Drisko, Hills 46; et al: Resources, Recreation and Development)  
61, K 427
- HB 743-FN-A**, establishing a disposal tax on disposable diapers. (V. Clark, Rock 79: Ways and Means)  
61, K 229
- HB 744**, relative to motor vehicle accidents involving uninsured motorists. (Gorman, Hills 62; et al: Commerce)  
61, K 441-442
- HB 745**, relative to voters presenting identification to obtain a ballot. (G. Katsakiores, Rock 77; et al: Election Law)  
61, psd (RC) 286-289, 315, S nonconc 691
- HB 746-FN-A**, revising the property tax relief program. (Hess, Merr 37; et al: Ways and Means)  
61, am & Finance 271, ret 1006
- HB 747**, establishing the crime victim employment leave act. (P. Sullivan, Hills 50; et al: Labor, Industrial and Rehabilitative Services)  
61, ret 1006
- HB 748**, making changes to the laws governing off highway recreational vehicles. (Alger, Graf 14; et al: Resources, Recreation and Development)  
**new title:** making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.  
**2<sup>nd</sup> new title:** making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system and allowing the department of safety to suspend or revoke a motor vehicle drivers' license for causing certain serious damage to property.  
61, am 536-539, psd 558, nonconc S am, conf 867, 870, rep adop 904, enr 954 (Chapter 295)
- HB 749**, relative to the statute of limitations in criminal cases where a defendant is identified by a DNA profile. (Belanger, Rock 76; et al: Criminal Justice and Public Safety)  
**new title:** relative to the description in a criminal complaint of the party accused.  
61, am 399, psd 518, S Com 871, 1007
- HB 750**, not introduced
- HB 751-FN-L**, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. (Alger, Graf 14; et al: Education)  
64, Finance 233, psd 610-611, 628, nonconc S am, conf 863, 868, rep adop 904, enr 954 (Chapter 296)
- HB 752**, relative to the distribution of business tax revenues to the education trust fund. (Major, Rock 79; et al: Ways and Means)  
64, psd 323, 344, S nonconc 871
- HB 753**, establishing the fourth Monday in April as General John Stark Day. (Lawton, Belk 30: Executive Departments and Administration)  
64, psd 485-486, 519, S conc 800, enr am 862, enr 872 (Chapter 183)

- HB 754-FN-L**, establishing an education certificate program to allow parental choice in the selection of schools for children. (Weyler, Rock 79; et al: Education)  
64, ret 1006
- HB 755**, relative to the burden of proof in child abuse and neglect proceedings. (Itse, Rock 80; et al: Children and Family Law)  
64, ret 1006
- HB 756-L**, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system. (Itse, Rock 80; et al: Municipal and County Government)  
64, ret 1006
- HB 757**, relative to health care fund grant awards. (Weyler, Rock 79; et al: Finance)  
64, K 321
- HB 758-FN**, relative to the criteria for medicaid eligibility. (Kurk, Hills 48; et al: Health, Human Services and Elderly Affairs)  
64, am 489-491, psd 520, S conc 749, enr am 799, enr 869 (Chapter 154)
- HB 759**, relative to personal health and financial information privacy. (Kurk, Hills 48; et al: Commerce)  
64, ret 1006
- HB 760-FN-A**, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. (Spiess, Hills 47; et al: Ways and Means)  
64, ret 1006
- HB 761**, enabling towns to adopt subdivision regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions. (Spang, Straf 72; et al: Municipal and County Government)  
64, ret 1006
- HB 762**, relative to the transmission of unsolicited material via facsimile transmission. (R. L'Heureux, Hills 58; et al: Commerce)  
64, K 367
- HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Kerns, Hills 57; et al: Judiciary)  
64, am (2RCs) 496-503, psd 520, conc S am (2RCs) 752-757, recon rej (RC) 758-760, enr am 862-863, enr 872 (Chapter 173)
- HB 764**, relative to the state of New Hampshire conforming to public laws enacted by the United States Congress. (Marple, Merr 37; et al: Legislative Administration)  
64, K 321
- HB 765-FN**, relative to consideration of a light rail commuter system and establishing a commission to oversee light rail progress. (Gleason, Rock 77; et al: Public Works and Highways)  
64, ret 1006
- HB 766**, relative to the information required for a license to carry a pistol or revolver. (Dickinson, Carr 4; et al: Criminal Justice and Public Safety)  
64, am 189, psd 210, S conc 691, enr 748 (Chapter 90)
- HB 767-FN**, relative to political advertising not authorized by the candidate. (Dickinson, Carr 4; et al: Election Law)  
64, ret 1006
- HB 768**, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes. (L. Pratt, Coos 2; et al: Resources, Recreation and Development)

**new title:** establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

**2<sup>nd</sup> new title:** establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes.

64, am 427-428, psd 517, nonconc S am, conf 694, 798, rep adop 904, enr 938, appointments 1013 (Chapter 233)

**HB 769**, relative to the lighting of certain advertising devices along highways. (Fletcher, Hills 48; et al: Public Works and Highways)  
65, psd 222, 272, S nonconc 669

**HB 770-FN-A**, establishing a credit against the business enterprise tax for compensation paid to disabled employees. (DiFruscia, Rock 76; et al: Ways and Means)

**new title:** establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

65, am 323-324, psd 344, conc S am 694, enr 762, appointments 1013 (Chapter 110)

**HB 771-FN**, repealing exemptions to the consumer protection act. (DiFruscia, Rock 76; et al: Commerce)  
65, ret 1006

**HB 772-FN-L**, including undeveloped shoreline property in land granted tax relief under current use. (C. Christensen, Hills 58; et al: Environment and Agriculture)  
65, K 289

**HB 773**, establishing a committee to study a tuition tax credit program. (Slocum, Hills 47; et al: Ways and Means)  
65, am 337, psd 344, nonconc S am, conf 867, 870, rep adop 905 (unable to agree)

**HB 774-L**, enabling municipalities to expend funds to plow private roads. (P. Katsakiores, Rock 77; et al: Municipal and County Government)  
65, K 522

**HB 775**, establishing a New Hampshire presidential primary advisory commission. (Splaine, Rock 86; et al: Election Law)  
65, ret 1006

**HB 776**, relative to emergency medical care for pregnant women. (Francoeur, Rock 85; et al: Judiciary)  
65, am 415-416, psd 519, died on table (S message) 1002

**HB 777**, allowing the commissioner of the department of corrections to enter into contracts with sheriffs' departments to hold persons charged with crimes in state correctional facilities for temporary periods. (King, Coos 1; et al: Criminal Justice and Public Safety)  
65, K 212

**HB 778-L**, relative to the city of Manchester school district. (Infantine, Hills 54; et al: Municipal and County Government)  
65, am 522-523, psd 558, S conc 749, enr 801 (Chapter 130)

**HB 779**, relative to appeals from recounts of legislative elections. (Giuda, Graf 13; et al: Election Law)  
65, K 403

**HB 780**, relative to the operation of school administrative units. (Giuda, Graf 13; et al: Education)  
65, K 213

**HB 781-FN-A**, establishing the office of corrections ombudsman. (K. Gilbert, Rock 82; et al: Executive Departments and Administration)  
65, ret 1006

- HB 782**, establishing a committee to study voting membership of municipal boards and commissions. (Schmidt, Straf 70: Municipal and County Government)  
65, K 425
- HB 783-FN**, relative to penalties for simple assault, reckless conduct, and unsworn falsification. (Dumaine, Rock 75: Criminal Justice and Public Safety)  
65, ret 1006
- HB 784-FN-L**, relative to long-term care services. (MacKay, Merr 39; et al: Health, Human Services and Elderly Affairs)  
65, ret 1006
- HB 785-FN**, requiring the commissioner of the department of education to establish a public school choice initiative. (Alger, Graf 14; et al: Education)  
65, rules suspended 346, Finance 401, ret 1006
- HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. (Alger, Graf 14; et al: Education)  
65, Finance 233, rem 565, am 622-624, psd 628, died on table (S message) 1002
- HB 787-FN-A**, relative to renewable energy promotion. (King, Coos 1; et al: Science, Technology and Energy)  
**new title:** relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.  
65, rem 346, am 551-556, psd 558, nonconc S am, conf 867, 870, (no report filed), remarks 908-909, Clerk's note 1003
- HB 788-FN-A**, repealing the certificate of need law. (Wendelboe, Belk 29: Health, Human Services & Elderly Affairs)  
**new title:** transferring the duties of the health services planning and review board.  
65, am (RC) & Finance 290-304, am 611-622, psd 628, S nonconc 750
- HB 789**, relative to a nonbinding referendum to measure voter support for casino gambling in New Hampshire. (Gionet, Graf 11; et al: Ways and Means)  
65, K (RC) 338-340
- HB 790**, relative to legislative voting procedures and apportioning state representative districts. (T. Allen, Hills 45: Election Law)  
65, K 216,
- HB 791-FN-A**, relative to the sale of state merchandise and gift items in state liquor stores and staffed rest areas. (Crane, Hills 59; et al: Executive Departments and Administration)  
**new title:** establishing a rest area and state liquor store retail opportunities commission.  
65, am 240-241, psd 272, S nonconc 691
- HB 792**, establishing a legislative internship pilot program in the house of representatives. (Crane, Hills 59; et al: Legislative Administration)  
65, K 321
- HB 793-FN-A**, relative to reimbursement rates for home health services and making an appropriation therefor. (Emerton, Hills 48; et al: Finance)  
66, ret 1006
- HB 794**, allowing the department of transportation to lease space for the provision of food service at state highway and turnpike rest stops. (Whalley, Belk 31; et al: Public Works and Highways)  
66, ret 1006
- HB 795**, establishing a committee to study deaths and injuries caused by OHRV use by minors. (Nordgren, Graf 17; et al: Resources, Recreation and Development)  
66, rem 346, K 551

- HB 796-FN-L**, relative to the taxation of manufactured housing. (D. Fields, Hills 58: Commerce)  
**new title:** relative to the taxation of manufactured housing and relative to notice required prior to the sale of a recreational campground.  
66, am 367-370, psd 518, nonconc S am, conf 858, 868, rep adop 905, enr am 952-953, enr 954, veto sustained (RC) 995-998
- HB 797**, establishing a committee to study methods for the legislature to protect New Hampshire groundwater aquifers. (Pilliod, Belk 31; et al: Resources, Recreation and Development)  
66, K 428
- HB 798**, relative to gifts by fiduciaries. (Pilliod, Belk 31; et al: Commerce)  
66, am 370-373, psd 518, nonconc S am, conf 761, 824, rep adop 905, enr am 953, enr 954 (Chapter 312)
- HB 799-FN-A**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. (Williams, Graf 16; et al: Environment and Agriculture)  
66, K 238
- HB 800**, not introduced
- HB 801**, establishing a committee to study the implementation of effective student assistance programs in all schools. (Gargas, Hills 46; et al: Education)  
66, K 450
- HB 802-FN-A**, requiring the department of transportation to retrofit a highway rest stop to be a solar powered facility and making an appropriation therefor. (Akins, Graf 18; et al: Public Works and Highways)  
**new title:** encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.  
66, am 156-157, psd 183, S conc 749, enr 762 (Chapter 111)
- HB 803-FN-A-L**, establishing the New Hampshire downtown development program. (Akins, Graf 18; et al: Municipal and County Government)  
66, ret 1006
- HB 804**, establishing a committee to study the certification of New Hampshire public schools in accordance with International Organization of Standards 9001 guidelines. (Akins, Graf 18: Education)  
66, K 451
- HB 805**, establishing a consensus revenue estimating panel. (J. Gilbert, Rock 83: Ways and Means)  
66, am 340-341, psd 344, conc S am 760, enr 869, appointments 1015 (Chapter 155)
- HB 806**, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. (Patten, Carr 7; et al: Municipal and County Government)  
66, am 425, 425, psd 519, S conc 749, enr 801 (Chapter 131)
- HB 807-FN**, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. (Weyler, Rock 79; et al: Commerce)  
66, am 373, psd 518, S conc 749, enr 801 (Chapter 135)
- HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. (R. L'Heureux, Hills 58; et al: Fish and Game)  
66, psd 412, 518, S conc 691, enr am 748, enr 762 (Chapter 112)
- HB 809**, establishing a committee to study implementing a consumption tax. (Akins, Graf 18: Ways and Means)  
66, K 341



- HB 810-FN-A**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. (Dickinson, Carr 4; et al: Resources, Recreation and Development)  
66, am & Ways and Means 249-251, rules suspended 346, Finance 437, am 622, psd 628, S conc 869, enr 886 (Chapter 224)
- HB 811**, relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof, and relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Bruno, Hills 45; et al: Judiciary)  
**new title**: relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.  
66, am (RC) 503-506, psd 520, nonconc S am, conf 694, 798, rep adop (RC)905-907, enr 948 (Chapter 267)
- HB 812**, relative to state acquisition of privately-owned airports. (E. Smith, Ches 26; et al: Public Works and Highways)  
66, ret 1006
- HB 813-FN-A**, establishing a deduction from the business profits tax for investments made in New Hampshire companies. (Brady, Coos 2: Ways and Means)  
66, K 324
- HB 814-FN-A**, establishing a credit against the business profits tax for certain insurance, financial services, and health care business organizations. (Brady, Coos 2; et al: Ways and Means)  
66, K 324
- HB 815**, relative to the duties of corporate directors and the procedure for shareholder inspection of records under the New Hampshire Business Corporation Act. (Spiess, Hills 47; et al: Commerce)  
66, ret 1006
- HB 816**, making technical corrections to the securities laws. (Spiess, Hills 47; et al: Commerce)  
67, am 373-375, psd 518, S conc 749, enr am 799, enr 869 (Chapter 156)
- HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Spiess, Hills 47: Commerce)  
67, am 375-391, psd 518, nonconc S am, conf 761, 824, rep adop 907, enr am 953-954, enr 954 (Chapter 313)
- HB 818**, relative to clearing land before plan approval. (M. Allen, Rock 81; et al: Resources, Recreation and Development)  
67, K 192
- HB 819**, relative to original and youth operators' licenses. (Packard, Rock 75; et al: Transportation)  
67, psd 228, 272, S conc 800, enr 869 (Chapter 170)
- HB 820-FN-L**, relative to armed services and overseas voting. (Wendelboe, Belk 29; et al: Election Law)  
67, ret 1006
- HB 821**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Mooney, Hills 58; et al: Labor, Industrial and Rehabilitative Services)  
67, K (2RCs) 507-512
- HB 822**, relative to abandoned vehicles. (Akins, Graf 18: Transportation)  
67, K 432
- HB 823-FN-L**, relative to eligibility of retired teachers for payment of medical benefits. (P. LaFlamme, Hills 61; et al: Executive Departments and Administration)  
67, K 411

- HB 824-FN-A**, relative to services for persons with mental illness and making an appropriation therefor. (Vachon, Straf 68: Health, Human Services and Elderly Affairs)  
67, K 200
- HB 825**, establishing a committee to study methods of safely reducing the prison population in the state. (Ingretson, Graf 13; et al: Criminal Justice and Public Safety)  
67, am 399, psd 518, conc S am 752, enr 869, appointments 1013 (Chapter 157)
- HB 826-FN**, establishing a limited moratorium on the use of psychotropic drugs and requiring the attorney general to study the use of such drugs. (Ingretson, Graf 13; et al: Health, Human Services and Elderly Affairs)  
67, K 200
- HB 827**, establishing a committee to study the costs and benefits to the state of a state-level community reinvestment act for credit unions and non-bank mortgage lenders doing business in this state. (Potter, Merr 38: Commerce)  
67, K 391-392
- HB 828-FN-A-L**, relative to alternative fuel vehicles. (P. Sullivan, Hills 50: Ways and Means)  
**new title:** establishing a committee to study the effect of alternative transportation on state revenues.  
67, am 229-230, psd 272, S nonconc 691
- HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections. (Mercer, Hills 59; et al: Election Law)  
67, am 403, psd 518, S Com 800, 1007
- HB 830-FN-A**, creating enterprise zones in which qualifying businesses are eligible for tax credits. (Brady, Coos 2; et al: Ways and Means)  
67, ret 1006
- HB 831**, establishing a New Hampshire end-of-life care study commission. (Sokol, Graf 17; et al: Health, Human Services and Elderly Affairs)  
**new title:** adding duties to the oversight committee on health and human services.  
67, psd 219, 272, conc S am 674, enr 747, committee amended 1008 (Chapter 78)
- HB 832-FN**, relative to the privacy of medical records. (Kurk, Hills 48; et al: Commerce)  
67, ret 1006
- HB 833-L**, relative to Shaker Road and Bay Hill Road in the town of Northfield. (Leber, Merr 35; et al: Public Works and Highways)  
67, psd 192, 210, S conc 629, enr 668, (Chapter 19)
- HB 834-L**, relative to River Road and Nimble Hill Road in the town of Newington. (Leber, Merr 35; et al: Public Works and Highways)  
67, psd 192, 210, S conc 749, enr 762 (Chapter 113)
- HB 835-FN**, relative to federal highway grant anticipation bonds. (Graham, Hills 57; et al: Public Works and Highways)  
67, ret 1006
- HB 836**, certifying that John Coughlin was elected as county attorney for Hillsborough county at the 2002 general election. (Soltani, Merr 37; et al: Election Law)  
67, LT 138-139, Clerk's note, died on table (S message) 1002
- HB 837-FN**, relative to the release of real estate liens. (Hutchinson, Rock 75: Commerce)  
67, K 392

**CLERK'S NOTE**

House Rules required all House legislation to be introduced in the first year of the 2003-2004 biennium. A supplemental filing period for legislation was held April 10 – 24, 2003. The introduction deadline date was suspended by the House on June 24, 2003. House action on supplemental legislation was held over to the 2004 legislative session.

The following House Bills are included in this category:

**2003 SESSION****2004 SUPPLEMENTAL HOUSE BILLS INTRODUCED IN 2003 SESSION**

- HB 1126**, relative to obstructing or hindering hunting, fishing, or trapping of fish and game. (L. Christiansen, Hills 66; et al: Fish and Game)  
966
- HB 1127**, relative to consideration of road improvements in property appraisals. (Gilman, Graf 9: Municipal and County Government)  
966
- HB 1128**, relative to motor vehicle dealer registrations. (Greenberg, Hills 50: Transportation)  
966
- HB 1129**, prohibiting smoking in vehicles when child passenger restraints are required. (McCann, Rock 84; et al: Transportation)  
966
- HB 1130**, relative to certain insurance agents. (DeStefano, Merr 41: Commerce)  
966
- HB 1131**, requiring the department of environmental services to study the cost effectiveness of programs to control exotic aquatic weeds and to examine alternatives. (Drisko, Hills 46: Resources, Recreation and Development)  
966
- HB 1132-L**, establishing a committee to study allowing the operation of slot machines and keno in restaurants and establishments serving liquor. (DiFruscia, Rock 76; et al: Ways and Means)  
966
- HB 1133**, relative to disclosures required prior to a condominium sale. (Almy, Graf 18: Commerce)  
966
- HB 1134**, relative to appointment of the chief justice of the supreme court. (Rowe, Hills 47; et al: Judiciary)  
966
- HB 1135**, relative to appointment of the chief justice of the superior court. (Elliott, Hills 42; et al: Judiciary)  
967
- HB 1136**, relative to homeowner exemptions from certain environmental permitting. (Patten, Carr 7; et al: Resources, Recreation and Development)  
967
- HB 1137**, relative to the use of impact fees. (McKinney, Rock 75; et al: Municipal and County Government)  
967
- HB 1138**, establishing a Nash Stream forest citizens committee. (King, Coos 1; et al: Resources, Recreation and Development)  
967

- HB 1139**, relative to vehicles stopping in travel lanes. (Hallyburton, Hills 45: Transportation)  
967
- HB 1140**, relative to the disposal of surplus real estate. (Kennedy, Merr 34; et al: Public Works and Highways)  
967
- HB 1141**, relative to dioxin emissions reduction and medical waste incinerators. (Musler, Straf 68; et al: Science, Technology and Energy)  
967
- HB 1142**, relative to tort liability to third persons for oil spills. (Dickinson, Carr 4: Judiciary)  
967
- HB 1143**, relative to legislators temporarily serving as county commissioners. (Kennedy, Merr 34: Commerce)  
967, vac Municipal and County Government 980
- HB 1144**, establishing a committee to study banning alcohol sales at youth and family-oriented community events. (Kerns, Hills 57: Children and Family Law)  
967
- HB 1145**, prohibiting commercial faxes. (Kerns, Hills 57: Commerce)  
967
- HB 1146**, ratifying the national crime prevention and privacy compact. (Kerns, Hills 57: Criminal Justice and Public Safety)  
967
- HB 1147**, relative to the use of deadly force in defense of a fetus. (Kerns, Hills 57; et al: Criminal Justice and Public Safety)  
967
- HB 1148**, defining a wetland for the purpose of fill and dredge in wetlands. (Camm, Rock 79: Resources, Recreation and Development)  
967
- HB 1149**, relative to the provision of credit reports to consumers. (Derby, Carr 7; et al: Commerce)  
967
- HB1150**, not introduced
- HB 1151**, relative to membership on the zoning board of adjustment. (Cady, Rock 73: Municipal and County Government)  
967
- HB 1152**, relative to the salaries of elected town officials. (Cady, Rock 73; et al: Municipal and County Government)  
967
- HB 1153**, relative to employment security. (Bishop, Rock 74; et al: Labor, Industrial and Rehabilitative Services)  
967
- HB 1154**, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court. (Benn, Graf 17; et al: Judiciary)  
967
- HB 1155**, establishing a committee to study the feasibility of implementing a training program for school board members. (Bergin, Hills 47: Education)  
967

- HB 1156**, establishing a committee to study the use of pesticides and herbicides in residential neighborhoods. (Diamond, Graf 17; et al: Environment and Agriculture)  
967
- HB 1157**, establishing a committee to study the feasibility of implementing model legislation on medical resident work hour restrictions. (Osborne, Merr 40; et al: Health, Human Services and Elderly Affairs)  
967
- HB 1158**, relative to a necessary quorum in town elections for motions to reconsider after voting polls have been open a period of more than 4 hours. (Drisko, Hills 46: Municipal and County Government)  
967
- HB 1159**, relative to prohibited employment for state liquor commission employees. (Mock, Carr 4; et al: Executive Departments and Administration)  
967
- HB 1160**, relative to the membership of the board of professional geologists. (Bruno, Hills 45: Executive Departments and Administration)  
967
- HB 1161**, relative to solicitation and marketing of insurance products. (Spiess, Hills 47: Commerce)  
967
- HB 1162**, relative to school district policies on bullying. (McRae, Hills 48; et al: Education)  
967
- HB 1163**, establishing a commission to study methods of increasing the number of insurance carriers doing business in New Hampshire. (McRae, Hills 48: Commerce)  
968
- HB 1164**, relative to moorings on Bow Lake. (M. Harrington, Straf 68: Resources, Recreation and Development)  
968
- HB 1165**, relative to extending domestic violence protection orders. (M. Harrington, Straf 68; et al: Criminal Justice and Public Safety)  
968
- HB 1166**, clarifying certain local regulation of OHRVs and relative to the operation of snow traveling vehicles on class VI roads. (Philbrick, Carr 5; et al: Resources, Recreation and Development)  
968
- HB 1167**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (Balcom, Hills 58; et al: Transportation)  
968
- HB 1168**, establishing a committee to study the effects of the current business tax structure on New Hampshire's economy. (Balcom, Hills 58; et al: Ways and Means)  
968
- HB 1169**, relative to child support calculations based on one-time or irregular income. (Hallyburton, Hills 45; et al: Children and Family Law)  
968
- HB 1170**, establishing a committee to study access to medical records of persons with highly communicable diseases. (Hammond, Graf 18; et al: Health, Human Services and Elderly Affairs)  
968

- HB 1171**, relative to official ballot voting on issuance of bonds or notes. (McKinney, Rock 75: Municipal and County Government)  
968
- HB 1172-L**, relative to compensation of county convention members for county business. (Welch, Rock 79; et al: Municipal and County Government)  
968
- HB 1173**, establishing a committee to study the discontinuation of the use of social security numbers in the criminal justice system. (Kerns, Hills 57: Criminal Justice and Public Safety)  
968
- HB 1174**, relative to acceptance of electronic records by government agencies. (Cady, Rock 73: Executive Departments and Administration)  
968
- HB 1175**, relative to the use of official ballot referenda as an optional form of town meeting. (Anderson, Merr 41; et al: Municipal and County Government)  
968
- HB 1176**, relative to government access to private property. (Ahern, Belk 29; et al: Judiciary)  
968
- HB 1177-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Wendelboe, Belk 29; et al: Judiciary)  
968
- HB 1178-FN**, relative to sales of tobacco products to persons under 21 years of age. (Hammond, Graf 18; et al: Commerce)  
968
- HB 1179-FN**, relative to driver education training reimbursement. (Hammond, Graf 18; et al: Transportation)  
968
- HB 1180**, relative to the creation of express trusts for pets. (Hallyburton, Hills 45; et al: Commerce)  
968
- HB 1181**, relative to certain deliberative session amendment procedures in official ballot voting. (Scanlon, Hills 57: Municipal and County Government)  
968
- HB 1182-FN**, allowing municipalities to adopt a property tax exemption for long-time resident elderly persons. (McKinney, Rock 75: Municipal and County Government)  
968
- HB 1183**, relative to transporting manufactured housing. (Bishop, Rock 74: Transportation)  
968
- HB 1184**, requiring all vehicles to be equipped with mud flaps or spray or splash guards. (L. Pratt, Coos 2: Transportation)  
968
- HB 1185**, relative to the adoption of amendments to articles proposed in the first session in official ballot proceedings. (Slocum, Hills 47; et al: Municipal and County Government)  
968
- HB 1186-FN**, relative to registration stickers issued to nonresidents operating snowmobiles in New Hampshire. (Woodward, Coos 3: Resources, Recreation and Development)  
968

- HB 1187-L**, allowing municipalities to deposit land use change tax revenues into a heritage fund. (Drisko, Hills 46: Municipal and County Government)  
968
- HB 1188**, relative to indoor air quality in public schools. (Pilliod, Belk 31; et al: Education)  
968
- HB 1189-FN-L**, increasing the property tax credit for service-connected total disability. (Buckley, Hills 56; et al: Municipal and County Government)  
969
- HB 1190**, relative to exceptions to the carrying or selling of certain weapons. (Hopper, Hills 48; et al: Criminal Justice and Public Safety)  
969
- HB 1191-FN**, relative to court proceedings. (Ingbreton, Graf 13; et al: Judiciary)  
969
- HB 1192**, relative to psychotropic drug recommendations by public employees. (Ingbreton, Graf 13; et al: Health, Human Services and Elderly Affairs)  
969
- HB 1193**, establishing a committee to study the constitutionality of the federal income tax and constitutional abuses in the collection of the income tax and its effects on New Hampshire citizens. (Ingbreton, Graf 13; et al: State-Federal Relations and Veterans Affairs)  
969
- HB 1194**, establishing a study committee relative to notifying tenants of radon in rental units. (C. Laflamme, Hills 50; et al: Judiciary)  
969
- HB 1195-FN**, increasing the penalty assessment on fines imposed by the courts. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
969
- HB 1196-FN-A-L**, relative to leasing a certain parcel of state-owned property to the town of Hopkinton. (Kennedy, Merr 34: Public Works and Highways)  
969
- HB 1197-FN-A-L**, relative to selling a certain parcel of state-owned property to the town of Hopkinton. (Kennedy, Merr 34: Public Works and Highways)  
969
- HB 1198**, relative to reporting child custody statistics. (Bickford, Straf 68: Children and Family Law)  
969
- HB 1199-FN-L**, relative to water connection fees. (Bickford, Straf 68; et al: Municipal and County Government)  
969
- HB 1200**, not introduced
- HB 1201**, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. (Bickford, Straf 68; et al: Judiciary)  
969
- HB 1202**, relative to third-party payment of covered services ordered by the juvenile court. (Bickford, Straf 68; et al: Commerce)  
969

- HB 1203-FN-A**, establishing a research and development tax credit against the business profits tax. (Elliott, Hills 42; et al: Ways and Means)  
969
- HB 1204-FN-A**, establishing an historic homeownership mortgage credit program. (Hamm, Merr 34: Commerce)  
969
- HB 1205**, establishing a committee to study alternative waste disposal systems. (Owen, Merr 34: Resources, Recreation and Development)  
969
- HB 1206**, establishing a committee to study the appropriateness of designating corporations as legal persons. (Owen, Merr 34: Judiciary)  
969
- HB 1207-FN-A**, relative to an Operation Iraqi Freedom service bonus payment. (Hofemann, Straf 69; et al: State-Federal Relations and Veterans Affairs)  
969
- HB 1208**, relative to standards of certification in credentialing for New Hampshire public school food service directors and staff. (Francoeur, Rock 85; et al: Executive Departments and Administration)  
969
- HB 1209**, relative to substances added to public water supplies. (Hagan, Hills 50; et al: Resources, Recreation and Development)  
969
- HB 1210**, relative to self-service storage facility liens. (Jasper, Hills 66: Commerce)  
969
- HB 1211**, relative to the expenditure of land use change tax revenues. (Jasper, Hills 66: Municipal and County Government)  
969
- HB 1212**, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18. (Bickford, Straf 68; et al: Children and Family Law)  
969
- HB 1213-FN-L**, exempting persons age 70 and older from the state and local education portion of property taxes. (J. Flanders, Rock 79; et al: Ways and Means)  
969
- HB 1214-FN**, relative to the penalty for filing an erroneous default budget. (Putnam, Rock 79; et al: Municipal and County Government)  
970
- HB 1215**, relative to seasonal directional signs. (Derby, Carr 7; et al: Public Works and Highways)  
970
- HB 1216-FN-A**, making an appropriation to the small business innovation research support program. (Akins, Graf 18; et al: Finance)  
970
- HB 1217**, relative to apportioning state representative districts for Hillsborough county. (Balboni, Hills 59; et al: Election Law)  
970
- HB 1218**, relative to criminal threatening by public servants. (Cady, Rock 73; et al: Judiciary)  
970



- HB 1219-FN**, establishing penalties for transmission or distribution of obscene electronic mail. (Cady, Rock 73; et al: Criminal Justice and Public Safety)  
970
- HB 1220-FN**, relative to banning partial birth abortion. (Cady, Rock 73; et al: Judiciary)  
970
- HB 1221**, establishing a committee to study repealing universal service telephone charges. (Cady, Rock 73; et al: Science, Technology and Energy)  
970
- HB 1222**, establishing a commission and authorizing a portrait of Vesta Roy, New Hampshire's first woman governor. (Elliott, Hills 42; et al: Executive Departments and Administration)  
970
- HB 1223**, establishing a committee to study state reimbursement to municipalities for emergency responses along interstate highways. (Ahern, Belk 29: Finance)  
970
- HB 1224**, establishing the Uniform Trust Code in New Hampshire. (Hunt, Ches 28: Commerce)  
970
- HB 1225-FN-A**, making administrative changes to the historic agricultural structure matching grants program and making an appropriation to the barn preservation fund. (Babson, Carr 6: Finance)  
970
- HB 1226-L**, establishing a debt retirement fund in the Governor Wentworth regional school district. (Babson, Carr 6: Education)  
970
- HB 1227**, relative to land assessed for current use which is taken by eminent domain. (Babson, Carr 6: Environment and Agriculture)  
970
- HB 1228**, requiring legislative approval of changes in the uniform fine schedule. (Gibson, Hills 58; et al: Judiciary)  
970
- HB 1229**, establishing a commission to study bioaccumulative toxic chemicals. (Phinizy, Sull 23; et al: Environment and Agriculture)  
970
- HB 1230-FN**, relative to abandoned deposits held by telephone utilities and relative to public interest payphones. (Phinizy, Sull 23; et al: Science, Technology and Energy)  
970
- HB 1231-FN**, relative to the state flag. (Morris, Rock 84; et al: Executive Departments and Administration)  
970
- HB 1232-FN**, allowing a disabled person to enroll in a class free of charge at any institution within the university system of New Hampshire, provided a seat is available in the class. (Akins, Graf 18: Education)  
970
- HB 1233**, relative to the accuracy of information used by consumer reporting agencies. (Almy, Graf 18: Commerce)  
970
- HB 1234**, establishing a study committee to examine ways to prevent and address homelessness in New Hampshire. (Morris, Rock 84; et al: Health, Human Services and Elderly Affairs)  
970

- HB 1235-FN**, establishing a criminal penalty for throwing an incendiary object from a motor vehicle. (Morris, Rock 84; et al: Criminal Justice and Public Safety)  
970
- HB 1236-FN-L**, relative to municipal use of impact fees. (Bruno, Hills 45: Municipal and County Government)  
970
- HB 1237**, allowing deer hunting with a primitive flintlock muzzleloader. (Kennedy, Merr 34; et al: Fish and Game)  
970
- HB 1238-FN**, requiring interpreters for persons with limited English proficiency in court and administrative proceedings. (Dumaine, Rock 75: Judiciary)  
970
- HB 1239**, relative to records access by private investigators. (Dumaine, Rock 75: Criminal Justice and Public Safety)  
970
- HB 1240**, prohibiting minors from sitting in the smoking sections of restaurants. (Cloutier, Sull 22; et al: Commerce)  
971
- HB 1241**, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care. (Gile, Merr 38; et al: Executive Departments and Administration)  
971
- HB 1242**, establishing a committee to study protecting law enforcement officers and others from public disclosure of their personal information. (Kurk, Hills 48; et al: Judiciary)  
972
- HB 1243**, prohibiting the collection of biometric data. (Kurk, Hills 48; et al: Transportation)  
972
- HB 1244**, relative to subcontractors' liens for labor and materials. (McRae, Hills 48; et al: Commerce)  
972
- HB 1245**, nullifying the Sixteenth amendment to the United States Constitution. (McElroy, Hills 61; et al: State-Federal Relations and Veterans Affairs)  
972
- HB 1246**, nullifying the USA Patriot Act. (McElroy, Hills 61; et al: State-Federal Relations and Veterans Affairs)  
972
- HB 1247-FN**, relative to a statewide law library network. (Franklin, Sull 20: Judiciary)  
972
- HB 1248-FN**, adding a licensed nursing assistant member to the state board of nursing. (Elliott, Hills 42: Executive Departments and Administration)  
972
- HB 1249-FN**, relative to the recreational taking of lobster by scuba diving. (M. Harrington, Straf 68; et al: Fish and Game)  
972
- HB 1250**, not introduced
- HB 1251-FN-A**, establishing an income tax. (M. Harrington, Straf 68: Ways and Means)

- HB 1252-FN**, requiring the posting of notice by uninsured liquor licensees. (Burling, Sull 19; et al: Commerce)  
972
- HB 1253-FN-L**, prohibiting public funds, employees, and facilities to assist or perform abortions. (Easson, Straf 68; et al: Judiciary)  
972
- HB 1254-FN**, granting certain disabled veterans an exemption from state education property taxes. (Easson, Straf 68; et al: Ways and Means)  
972
- HB 1255**, relative to the procedure for calling for a special town or school district meeting. (Scanlon, Hills 57: Municipal and County Government)  
972
- HB 1256**, relative to a buddy system for firefighters. (Patten, Carr 7; et al: Municipal and County Government)  
972
- HB 1257-FN**, relative to penalties for driving under the influence with a minor in the vehicle. (R. L'Heureux, Hills 58; et al: Criminal Justice and Public Safety)  
972
- HB 1258-FN**, establishing supporting public schools number plates. (Pelletier, Straf 71: Transportation)  
972
- HB 1259**, relative to the medical certification required for a walking disability plate or placard. (Buhlman, Hills 66; et al: Transportation)  
972
- HB 1260**, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge. (Buhlman, Hills 66; et al: Public Works and Highways)  
972
- HB 1261**, relative to closing a certain rest area on the F. E. Everett turnpike. (P. Laflamme, Hills 61: Public Works and Highways)  
972
- HB 1262**, establishing a committee to study ways to encourage municipal recycling efforts. (Rous, Straf 72; et al: Environment and Agriculture)  
972
- HB 1263**, establishing a committee to study the feasibility of creating a trust fund to support a family and disability leave program. (Gile, Merr 38; et al: Labor, Industrial and Rehabilitative Services)  
972
- HB 1264**, relative to advertisement of prescription drugs. (DeJoie, Merr 39; et al: Commerce)  
972
- HB 1265**, establishing a committee to study prescriptive authority of qualified psychologists. (DeJoie, Merr 39; et al: Executive Departments and Administration)  
972
- HB 1266**, relative to the long-term care ombudsman. (MacKay, Merr 39: Health, Human Services and Elderly Affairs)  
972
- HB 1267**, requiring fast food restaurants to provide nutritional information to consumers. (Lan-gley, Rock 88; et al: Commerce)  
972

- HB 1268**, relative to bank reserve and lending procedures. (Marple, Merr 37; et al: Commerce)  
972
- HB 1269**, establishing a citizens' legislative redistricting advisory board. (Burling, Sull 19; et al: Election Law)  
972
- HB 1270**, prohibiting the deduction of any taxes from mileage reimbursement checks for house members. (Marple, Merr 37; et al: Legislative Administration)  
972
- HB 1271-FN**, repealing the license to carry provisions of state law. (Marple, Merr 37; et al: Criminal Justice and Public Safety)  
972
- HB 1272**, relative to allowing towns to have an official ballot vote on the issuance of specific bonds or notes. (Scanlon, Hills 57: Municipal and County Government)  
972
- HB 1273**, relative to the use of trails managed by OHRV clubs. (King, Coos 1: Resources, Recreation and Development)  
972
- HB 1274**, relative to evidence admissible in sexual assault cases. (Hopper, Hills 48; et al: Criminal Justice and Public Safety)  
972
- HB 1275-FN-A**, relative to the role of the department of health and human services in juvenile proceedings. (Bickford, Straf 68; et al: Children and Family Law)  
972
- HB 1276-FN**, establishing Bronze Star and Silver Star number plates. (Hallyburton, Hills 45; et al: Transportation)  
972
- HB 1277-FN**, requiring assisted living facilities to have certain security measures for residents. (C. Bouchard, Merr 39; et al: Health, Human Services and Elderly Affairs)  
972
- HB 1278-FN-L**, relative to the applicable minimum wage for hourly employees. (Keans, Straf 67; et al: Labor, Industrial and Rehabilitative Services)  
972
- HB 1279**, establishing a committee to study the adoption and implementation of the multistate forensic DNA compact in New Hampshire. (Kerns, Hills 57: Criminal Justice and Public Safety)  
972
- HB 1280-FN**, establishing limited driving privileges special licenses. (Kerns, Hills 57: Transportation)  
972
- HB 1281**, relative to the determination of the amount of taxes to be raised to support a cooperative school district. (Hunt, Ches 28: Ways and Means)  
972
- HB 1282**, relative to exemptions from the consumer protection act. (Hunt, Ches 28: Commerce)  
972
- HB 1283**, relative to wetlands permits. (Campbell, Straf 68: Resources, Recreation and Development)  
972
- HB 1284**, relative to setbacks from wetlands. (Campbell, Straf 68: Resources, Recreation and Development)  
972

- HB 1285**, restricting owners of land in current use and land acquired with public funds from posting for no hunting. (L. Christiansen, Hills 66: Environment and Agriculture)  
972
- HB 1286**, relative to oaths of office. (L. Christiansen, Hills 66; et al: Judiciary)  
972
- HB 1287**, establishing a study committee to review insurance statutes and rules to assure conformity with the mission statement published by the insurance department. (L. Christiansen, Hills 66: Commerce)  
972
- HB 1288-FN**, reducing the membership of the fish and game commission. (L. Christiansen, Hills 66: Fish and Game)  
972
- HB 1289-FN-L**, relative to drug-free senior housing zones. (Crane, Hills 59; et al: Criminal Justice and Public Safety)  
972
- HB 1290**, establishing a time limit on the receipt of Temporary Assistance for Needy Families. (Crane, Hills 59; et al: Health, Human Services and Elderly Affairs)  
972
- HB 1291-L**, relative to elderly and handicapped priority low-income housing. (Crane, Hills 59; et al: Municipal and County Government)  
972
- HB 1292**, apportioning state representative districts. (Hopper, Hills 48; et al: Election Law)  
972
- HB 1293**, relative to emission control equipment for certain vehicles. (Artz, Hills 64; et al: Science, Technology and Energy)  
973
- HB 1294**, establishing a committee to study the effect of the federal reauthorization of the Temporary Aid to Needy Families Program and its effect on the state of New Hampshire. (MacKay, Merr 39; et al: Health, Human Services and Elderly Affairs)  
973
- HB 1295**, relative to the right-to-know law. (Cady, Rock 73; et al: Judiciary)  
973
- HB 1296**, establishing a committee to study the transfer of authority for dairy product inspection to the department of agriculture, markets, and food and to study revising and updating RSA 184. (Gilman, Graf 9; et al: Environment and Agriculture)  
973
- HB 1297**, relative to credit for American sign language and transliteration as a foreign language. (Gilman, Graf 9; et al: Education)  
973
- HB 1298**, relative to dispute resolution within the context of public employee labor relations. (Gilman, Graf 9: Labor, Industrial and Rehabilitative Services)  
973
- HB 1299**, relative to the removal of the tax collector or town clerk, and required notice to the board of selectmen by a candidate for office if the candidate has ever been removed from a bonded position. (Giuda, Graf 13; et al: Municipal and County Government)  
973

**HB 1300**, not introduced

**HB 1301**, relative to extensions to the intent to cut. (Dickinson, Carr 4; et al: Municipal and County Government)  
973

**HB 1302**, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces. (Dickinson, Carr 4; et al: Judiciary)  
973

**HB 1303-FN**, creating a charity bingo and lucky 7 ticket review and advisory commission and establishing a multi-hall linked bingo pilot program. (Dickinson, Carr 4; et al: Ways and Means)  
973

**HB 1304-L**, relative to notice for zoning rehearings. (Ahern, Belk 29: Municipal and County Government)  
973

**HB 1305**, establishing a committee to study certain high interest loans. (Kurk, Hills 48; et al: Commerce)  
973

**HB 1306**, relative to collective bargaining by state employees. (Wendelboe, Belk 29: Executive Departments and Administration)

**HB 1307-FN**, relative to review of final proposed rules under the administrative procedures act. (Bruno, Hills 45: Legislative Administration)  
973

**HB 1308-FN**, relative to lobbying activities by state employees. (Bruno, Hills 45: Legislative Administration)  
973

**HB 1309**, relative to noise pollution from shooting ranges. (Bruno, Hills 45: Judiciary)  
973

**HB 1310**, relative to licenses to sell firearms. (Bruno, Hills 45: Criminal Justice and Public Safety)  
973

**HB 1311-FN**, relative to the insurance premium tax. (Camm, Rock 79: Ways and Means)  
973

**HB 1312**, relative to the court's discretion to extend child support obligations. (Bickford, Straf 68: Children and Family Law)  
973

**HB 1313**, relative to establishing a spring season for bear baiting. (Goyette, Hills 66; et al: Fish and Game)  
973

**HB 1314**, relative to the taking of deer by crossbow. (Goyette, Hills 66; et al: Fish and Game)  
973

**HB 1315**, relative to the disclosure of the identity of the person filing a report of suspected child abuse. (Boyce, Belk 31; et al: Children and Family Law)  
973

**HB 1316-FN-A**, relative to the computation of tax on certain telecommunications services under the communications services tax. (Major, Rock 79; et al: Ways and Means)  
973

**HB 1317-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of property tax hardship relief provisions. (DiFruscia, Rock 76; et al: Municipal and County Government)  
973

- HB 1318-FN-A**, relative to a senior care provider program and making an appropriation therefor. (Campbell, Straf 68: Health, Human Services and Elderly Affairs)  
974
- HB 1319**, relative to the percentage of ownership in physician hospital organizations. (Bruno, Hills 45: Commerce)  
974
- HB 1320**, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans. (Kopka, Hills 63: Commerce)  
974
- HB 1321-FN**, relative to claims before the state commission on human rights. (Rogers Johnson, Rock 83: Judiciary)  
974
- HB 1322**, relative to the rules for the operation and regulation of supported residential care facilities. (Elliott, Hills 42: Health, Human Services and Elderly Affairs)  
974
- HB 1323**, relative to the rules for the operation and regulation of residential care facilities. (Elliott, Hills 42: Health, Human Services and Elderly Affairs)  
974
- HB 1324-FN**, authorizing the position of clerk of the board of manufactured housing. (Letourneau, Rock 77; et al: Executive Departments and Administration)  
974
- HB 1325-FN-A**, relative to the E-Z Pass toll system. (Leber, Merr 35: Public Works and Highways)  
974
- HB 1326**, establishing a study committee to examine the classification of consumer and display fireworks. (L. Christiansen, Hills 66: Criminal Justice and Public Safety)  
974
- HB 1327-FN**, relative to allowing persons to be bonded for search and rescue costs in hiking and climbing in New Hampshire. (L. Christiansen, Hills 66: Fish and Game)  
974
- HB 1328**, requiring the development of a plan for the elimination of county government by the year 2011. (Buckley, Hills 56: Municipal and County Government)  
974
- HB 1329**, relative to the length of time consumer credit reporting agencies retain individual credit information. (Lawrence, Hills 66: Commerce)  
974
- HB 1330**, relative to the investigation of disputed credit reporting items by consumer credit reporting agencies. (Lawrence, Hills 66: Commerce)  
974
- HB 1331**, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. (Lawrence, Hills 66: Municipal and County Government)  
974
- HB 1332**, relative to child support in cases of shared custody. (Lawrence, Hills 66: Children and Family Law)  
974

- HB 1333-L**, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 66: Municipal and County Government)  
974
- HB 1334**, relative to retention of records of fish and game law violations by the fish and game department. (R. L'Heureux, Hills 58; et al: Fish and Game)  
974
- HB 1335-L**, relative to workers' compensation requirements for out-of-state employers doing business in New Hampshire. (Gilman, Graf 9: Labor, Industrial and Rehabilitative Services)  
974
- HB 1336**, relative to the procedures for the legislative ethics committee. (Jasper, Hills 66; et al: Legislative Administration)  
974
- HB 1337-FN**, prohibiting any person convicted of an offense against a child from purchasing a residence or entering a rental or lease agreement for rental property in the vicinity of a school. (Itse, Rock 80: Criminal Justice and Public Safety)  
974
- HB 1338**, establishing Patriots Day in New Hampshire. (Itse, Rock 80; et al: Executive Departments and Administration)  
974
- HB 1339-FN-A-L**, relative to distribution of tobacco settlement funds. (Barry, Hills 55: Finance)  
974
- HB 1340-FN**, relative to the Informed Consent for Abortion Act. (Hagan, Hills 50; et al: Judiciary)  
974
- HB 1341-FN**, relative to prohibited computer practices. (Letourneau, Rock 77; et al: Criminal Justice and Public Safety)  
974
- HB 1342-FN-A-L**, establishing a new system of coinage for the state. (McElroy, Hills 61; et al: Commerce)  
974
- HB 1343-FN**, making it a crime to cause the death of a fetus as a result of committing a violent act against a pregnant woman. (Ahern, Belk 29; et al: Criminal Justice and Public Safety)  
974
- HB 1344-FN-A**, allowing a deduction against the business profits tax for employer-paid health insurance premiums. (Corbin, Rock 79; et al: Ways and Means)  
974
- HB 1345-FN-L**, establishing an education scholarship fund. (Campbell, Straf 68: Education)  
975
- HB 1346**, relative to income qualification in the elderly property tax exemption. (Putnam, Rock 79: Municipal and County Government)  
975
- HB 1347-FN**, implementing a "good time" sentence reduction system for inmates in the state prison system. (Derby, Carr 7; et al: Criminal Justice and Public Safety)  
975
- HB 1348-FN**, relative to registration of business organizations. (Francoeur, Rock 85; et al: Commerce)  
975



- HB 1349-FN-L**, relative to medical parole. (Elliott, Hills 42; et al: Criminal Justice and Public Safety)  
975
- HB 1350**, not introduced
- HB 1351-FN**, relative to penalties for acts committed during a riot. (Easson, Straf 68; et al: Criminal Justice and Public Safety)  
975
- HB 1352-FN**, requiring school districts to recommend daily physical activity to pupils. (French, Merr 34; et al: Education)  
975
- HB 1353-FN**, mandating open enrollment schools statewide. (Campbell, Straf 68: Education)  
975
- HB 1354-FN**, relative to certain tolls on the Everett Turnpike. (Greenberg, Hills 50: Public Works and Highways)  
975
- HB 1355**, changing the name of the sweepstakes commission to the lottery commission. (Weyler, Rock 79; et al: Executive Departments and Administration)  
975
- HB 1356-FN-A-L**, assessing a fee on water withdrawn for commercial bottling purposes from water supply sources in the state. (M. Carter, Hills 44; et al: Ways and Means)  
975
- HB 1357**, relative to cluster zoning and the village plan alternative. (Ahern, Belk 29; et al: Municipal and County Government)  
975
- HB 1358-FN**, requiring municipal auditors to be bonded, and relative to audits within political subdivisions. (Marple, Merr 37; et al: Municipal and County Government)  
975
- HB 1359-FN-L**, relative to notice requirements for public hearings on certain zoning changes. (Scott, Straf 71; et al: Municipal and County Government)  
975
- HB 1360-FN**, including “unborn child” in the definition of “another” for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 51; et al: Criminal Justice and Public Safety)  
975
- HB 1361**, relative to sentences for certain offenses committed on or near a public college or university campus. (M. Smith, Straf 72; et al: Criminal Justice and Public Safety)  
975
- HB 1362**, relative to state representative districts in Grafton county. (Alger, Graf 14; et al: Election Law)  
975
- HB 1363**, establishing a policy for naming state highways, bridges, and buildings. (Cloutier, Sull 22; et al: Public Works and Highways)  
975
- HB 1364-FN**, establishing a statutory joint committee to review and propose changes to state unclassified officers’ salaries. (Dodge, Rock 80; et al: Executive Departments and Administration)  
975

- HB 1365-FN**, relative to protecting hearing ear dogs, guide dogs, and service dogs. (Fish, Ches 25; et al: Health, Human Services and Elderly Affairs)  
975
- HB 1366**, relative to penalties for violation of protective orders. (DiFruscia, Rock 76; et al: Criminal Justice and Public Safety)  
975
- HB 1367**, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Hopper, Hills 48; et al: Criminal Justice and Public Safety)  
975
- HB 1368**, establishing a committee to study means of interdicting and preventing the distribution of controlled substances in New Hampshire. (Hinkle, Hills 58; et al: Criminal Justice and Public Safety)  
975
- HB 1369**, relative to state representative district 67. (Heon, Straf 67; et al: Election Law)  
975
- HB 1370**, establishing a committee to study property tax relief for low-income and elderly persons. (Gibson, Hills 58; et al: Ways and Means)  
976
- HB 1371-FN**, prohibiting the sale or possession of pocket knives in safe school zones. (Heon, Straf 67; et al: Criminal Justice and Public Safety)  
976
- HB 1372**, defining certain terms relating to military service. (Heon, Straf 67; et al: State-Federal Relations and Veterans Affairs)  
976
- HB 1373**, relative to Grafton county representative districts. (Gilman, Graf 9: Election Law)
- HB 1374**, relative to lightning protection systems. (Giuda, Graf 13; et al: Commerce)  
976
- HB 1375**, relative to powers of conservation commissions. (Spang, Straf 72; et al: Municipal and County Government)  
976
- HB 1376**, relative to agency fees assessed pursuant to collective bargaining agreements and representation of certain employees in grievances. (Giuda, Graf 13; et al: Labor, Industrial and Rehabilitative Services)  
976
- HB 1377-L**, relative to the repeal of municipal ordinances by petition. (Scott, Straf 71; et al: Municipal and County Government)  
976
- HB 1378-FN-A**, relative to New Hampshire service medals for veterans of World War II, the Korean Conflict, and the Vietnam Conflict and making an appropriation therefor. (Pepino, Hills 51; et al: State-Federal Relations and Veterans Affairs)  
976
- HB 1379**, relative to boating on certain lakes and ponds by disabled persons. (Patten, Carr 7; et al: Resources, Recreation and Development)  
976
- HB 1380-FN**, establishing a criminal penalty for unauthorized video surveillance. (O'Brien, Hills 43; et al: Criminal Justice and Public Safety)  
976

- HB 1381**, relative to the rights of citizens. (Marple, Merr 37; et al: Judiciary)  
976
- HB 1382**, relative to liens filed with public servants. (Marple, Merr 37; et al: Commerce)  
976
- HB 1383**, relative to full faith and credit in judicial proceedings. (Marple, Merr 37; et al: Judiciary)  
976
- HB 1384**, relative to challenges to statutes. (Marple, Merr 37; et al: Judiciary)  
976
- HB 1385**, establishing the protection of liberty act. (Itse, Rock 80; et al: Criminal Justice and Public Safety)  
976
- HB 1386**, relative to participation by nonresident taxpayers in town meetings. (Ahern, Belk 29: Municipal and County Government)  
976
- HB 1387-FN-A**, reducing the rate of the business enterprise tax. (Brady, Coos 2; et al: Ways and Means)  
976
- HB 1388-FN-A**, reducing the rate of the business profits tax. (Brady, Coos 2; et al: Ways and Means)  
976
- HB 1389**, relative to appearances and representation in courts. (Ingbretson, Graf 13; et al: Judiciary)  
976
- HB 1390**, relative to MTBE. (Owen, Merr 34; et al: Science, Technology and Energy)  
976
- HB 1391-FN**, relative to motor vehicle violations. (Kennedy, Merr 34; et al: Criminal Justice and Public Safety)  
976
- HB 1392**, relative to preapplication review of projects submitted to a local planning board. (Cady, Rock. 73; et al: Municipal and County Government)  
978
- HB 1393**, relative to the appeal of the lower court's decision in a child protection case. (Rowe, Hills. 47: Children and Family Law)  
978
- HB 1394**, relative to de novo appeals in certain criminal proceedings. (Rowe, Hills. 47: Judiciary)  
978
- HB 1395**, relative to representation by the county attorney in county matters. (Slocum, Hills 47; et al: Municipal and County Government)  
978
- HB 1396**, relative to implementing a bottle deposit program. (Owen, Merr 34; et al: Commerce)  
978
- HB 1397**, relative to youth suicide prevention. (Dalrymple, Rock 76; et al: Health, Human Services and Elderly Affairs)  
978
- HB 1398-FN-L**, relative to relief and maintenance provided to certain non-residents. (Brundige, Hills 58; et al: Municipal and County Government)  
978

- HB 1399-FN-A**, establishing the telecommunications planning and development fund. (Thomas, Belk 31: Science, Technology and Energy)  
978
- HB 1400**, not introduced
- HB 1401-FN**, limiting the use of traffic signal preemption devices. (Bridle, Rock 85; et al: Transportation)  
978
- HB 1402-FN-A**, requiring a discount to wholesalers on cash purchases of tobacco tax stamps. (Weyler, Rock 79: Ways and Means)  
978
- HB 1403**, extending the reporting dates of certain study committees. (Francoeur, Rock 85: Legislative Administration)  
978
- HB 1404**, prohibiting the release of information by university of New Hampshire officials in cases where students have contact with university of New Hampshire police. (Kerns, Hills 57: Executive Departments and Administration)  
980
- HB 1405-L**, relative to requiring municipalities to use official ballot voting procedures for bond issues. (Dodge, Rock 80; et al: Municipal and County Government)  
980
- HB 1406**, relative to the regulation of physician assistants. (Fraser, Merr 37: Executive Departments and Administration)  
980
- HB 1407**, granting limited law enforcement authority to certain federal officers stationed in New Hampshire. (Craig, Hills 50; et al: Criminal Justice and Public Safety)  
980
- HB 1408-FN**, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts. (Weyler, Rock 79; et al: Commerce)  
980
- HB 1409**, relative to the disclosure of protected health information by court ordered service providers. (Gilman, Graf 9; et al: Commerce)  
980
- HB 1410**, relative to terminating parental rights. (Gilman, Graf 9; et al: Children and Family Law)  
980
- HB 1411-FN-A**, relative to funding state science laboratories and making an appropriation therefor. (Weyler, Rock 79; et al: Public Works and Highways)  
980
- HB 1412**, relative to college and university recognition of student organizations and athletic teams. (Jasper, Hills 66: Education)  
980
- HB 1413**, relative to the creation of mandatory screening panels for medical injury claims. (Francoeur, Rock 85; et al: Judiciary)  
980
- HB 1414**, establishing a commission to study issues regarding the women's prison facility. (Welch, Rock 79; et al: Criminal Justice and Public Safety)  
980

- HB 1415**, relative to de facto child custody. (Cady, Rock 73; et al: Children and Family Law)  
980
- HB 1416-FN**, relative to a permanent property tax exemption for wooden poles and conduits. (Hess, Merr 37; et al: Ways and Means)  
980
- HB 1417**, relative to examination of persons called as jurors in civil cases. (J. Pratt, Ches 24; et al: Judiciary)  
980
- HB 1418-FN**, establishing a procedure for state employees to report suspected improper governmental activity. (Gilman, Graf 9; et al: Executive Departments and Administration)  
980
- HB 1419**, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services. (Gorman, Hills 62; et al: Executive Departments and Administration)  
980

## 2003 SESSION

### HOUSE JOINT RESOLUTION

- HJR 1**, urging the department of transportation to provide sufficient time to resolve a dispute regarding certain portions of the Conway bypass project. (Dickinson, Carr 4; et al: Public Works and Highways)  
43, K 135
- HJR 2**, requiring the assignment of oversight of state agencies to legislative policy committees. (Dickinson, Carr 4; et al: Legislative Administration)  
67, K 334
- HJR 3**, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. (Whalley, Belk. 31)  
rules suspended, intro & psd 937-938, conc S am (RC) & debate 938-945, enr 945 (Chapter 212)

### CLERK'S NOTE

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The following House Joint Resolutions are included in this category:

### 2004 HOUSE JOINT RESOLUTIONS INTRODUCED IN 2003 SESSION

- HJR 20**, supporting President Bush's hydrogen fuel initiative. (Kerns, Hills 57: Science, Technology and Energy)  
976
- HJR 21**, urging New Hampshire businesses to consider alternative fuel options to oil. (Kerns, Hills 57: Science, Technology and Energy)  
976
- HJR 22**, concerning foliage protection. (Kerns, Hills 57: Resources, Recreation and Development)  
976
- HJR 23**, relative to the process for choosing United States Senators. (Itse, Rock 80; et al: Election Law)  
977
- HJR 24**, concerning misdemeanors and probable cause. (Kerns, Hills 57: Criminal Justice and Public Safety)  
977

## 2003 SESSION

## HOUSE CONCURRENT RESOLUTION

- HCR 1**, endorsing the Canine Good Citizen Program. (Phinizy, Sull 23; et al: Environment and Agriculture)  
25, adop102, 120, S conc 560
- HCR 2**, urging the federal government to recognize hearing loss as a service-connected disability for veterans who flew UH-1 helicopters in Vietnam. (Dickinson, Carr 4; et al: State-Federal Relations and Veterans Affairs)  
25, K 98
- HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Dionne, Hills 42; et al: State-Federal Relations and Veterans Affairs)  
25, adop 79, 91, conc S am 694
- HCR 4**, urging adoption and implementation of a national do-not-call list for telemarketers. (Langley, Rock 88; et al: Commerce)  
36, K 392
- HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals. (Babson, Carr 6; et al: State-Federal Relations and Veterans Affairs)  
38, adop 98, 120, S conc 691
- HCR 6**, urging the creation of a free and independent Palestinian state. (Poulin, Coos 3: State-Federal Relations and Veterans Affairs)  
38, K 226
- HCR 7**, opposing unfunded and under-funded federal education mandates. (B. Richardson, Ches 26; et al: State-Federal Relations and Veterans Affairs)  
40, K 334
- HCR 8**, urging the United States Congress to improve the prescription drug program provided to veterans. (Joseph Manning, Ches 28; et al: State-Federal Relations and Veterans Affairs)  
42, am 159, adop 183, S conc 562, enr am 632
- HCR 9**, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. (Almy, Graf 18; et al: State-Federal Relations and Veterans Affairs)  
42, adop 226, 272, died on table (S message) 1002
- HCR 10** recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. (Marple, Merr 37; et al: State-Federal Relations and Veterans Affairs)  
49, ret 1006
- HCR 11**, relative to state and federal government relations. (McElroy, Hills 61; et al: State-Federal Relations and Veterans Affairs)  
53, ret 1006
- HCR 12**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Ingbreton, Graf 13; et al: Legislative Administration)  
53, K 334
- HCR 13**, declaring the health rights of the citizens of New Hampshire. (French, Merr 34; et al: Health, Human Services and Elderly Affairs)  
53, K (RC) 200-203

**HCR 14**, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education. (Pepino, Hills 51; et al: Ways and Means)

**new title:** declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an “adequate education,” adopt “standards of accountability,” and “guarantee adequate funding” of a public education are not binding on the legislative and executive branches.

44, am (RC) 542-547, adop 558, S nonconc 800

**HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. (J. Dunn, Ches 25; et al: State-Federal Relations and Veterans Affairs)  
53, rcmt 314, adop 429, 519, nonconc S am 760

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir. (Giuda, Graf 13; et al: State-Federal Relations and Veterans Affairs)  
59, adop 141, 142, S conc 182, remarks 210

**HCR 17**, urging the posthumous promotion of Colonel Edward Ephraim Cross to brigadier general. (Leone, Sull 21; et al: State-Federal Relations and Veterans Affairs)  
67, ret 1006

**HCR 18**, relative to state senate and representative districts (McRae, Hills 48; et al: Election Law)  
67, K 216

### CLERK'S NOTE

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The following House Concurrent Resolutions are included in this category:

### 2004 HOUSE CONCURRENT RESOLUTIONS INTRODUCED IN 2003

**HCR 20**, affirming civil rights and liberties and opposing federal measures that infringe on such rights and liberties. (Pelletier, Straf 71; et al: State-Federal Relations and Veterans Affairs)  
977

**HCR 21**, urging the reduction of the federal gasoline and diesel fuel excise tax. (Buhlman, Hills 66; et al: State-Federal Relations and Veterans Affairs)  
977

**HCR 22**, urging Congress to withdraw the United States from the United Nations. (Albert, Straf 67; et al: State-Federal Relations and Veterans Affairs)  
977

**HCR 23**, on non-citizens during times of war. (Kerns, Hills 57: Criminal Justice and Public Safety)  
977

**HCR 24**, urging the state to include individual development accounts in the Temporary Aid to Needy Families (TANF) program. (P. Sullivan, Hills 50: Commerce)  
977

**HCR 25**, declaring that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an “adequate education,” adopt “standards of accountability,” and “guarantee adequate funding” of a public education are not binding on the legislative and executive branches. (Pepino, Hills 51; et al: Ways and Means)  
980

**2003 SESSION**  
**HOUSE RESOLUTIONS**

- HR 1**, relative to adopting the rules of the 2002 session.  
intro & adop 9, 10, am 20-21, am (RC) 68-71, am 908
- HR 2**, relative to recording House sessions and the permanent journal.  
intro & adop 9, 10
- HR 3**, relative to the distribution of House publications.  
intro & adop 9, 10
- HR 4**, relative to the Speaker employing personnel per RSA 17-E:5  
intro & adop 9, 10
- HR 5**, relative to legislative salary and mileage payments.  
intro & adop 9, 10
- HR 6**, relative to criteria for establishing house representative districts. (Leach, Hills 42; et al: Election Law)  
26, am 164-165, adop 183
- HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 25; et al: State-Federal Relations and Veterans Affairs)  
39, K (RC) 173, 175
- HR 8**, urging the governor and executive council to consider appointing a non-lawyer to the supreme court. (Gilman, Graf 9; et al: Judiciary)  
53, K 416
- HR 9**, urging the federal government to extend the Internet Tax Freedom Act moratorium. (Thomas, Belk 31; et al: State-Federal Relations and Veterans Affairs)  
68, adop 226, 272
- HR 10**, urging the department of defense to establish a military presence in the state of New Hampshire for purposes of domestic security. (Morris, Rock 84; et al: State-Federal Relations and Veterans Affairs)  
68, K 226
- HR 11**, supporting the men and women of the armed forces. (Chandler, Carr 04; et al:)  
rules suspended, into &, adop 318-319
- HR 12**, affirming revenue estimates for fiscal years 2003, 2004 and 2005. (Major, Rock 79)  
rules suspended & LT 556-558, Clerk's note, died on table, 1002
- HR 13**, not introduced
- HR 14**, memorializing state representative Maurice E. Goulet of Bedford.  
intro & adop 956

**CLERK'S NOTE**

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The following House Resolutions are included in this category:

**2004 HOUSE RESOLUTIONS INTRODUCED IN 2003 SESSION**

- HR 20**, supporting Taiwan's participation in the World Health Organization. (Hess, Merr 37; et al: State-Federal Relations and Veterans Affairs)  
977



- HR 21**, reaffirming the death penalty. (Kerns, Hills 57: Criminal Justice and Public Safety)  
977
- HR 22**, relative to fathers' rights. (Kerns, Hills 57; et al: Children and Family Law)  
977
- HR 23**, urging the President and Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from United States military service. (P. Sullivan, Hills 50, Crane, Hills 59: State-Federal Relations and Veterans Affairs)  
977
- HR 24**, opposing the exploration for oil in the Arctic National Wildlife Refuge. (P. Sullivan, Hills 50: State-Federal Relations and Veterans Affairs)  
977

## 2003 SESSION

### SENATE BILLS

- SB 14**, relative to vacancies in county offices. (Municipal and County Government)  
**new title:** relative to vacancies in county offices and the powers of the Belknap County Recreation Area Commission.  
93, rem 565, am 624, psd, S conc am & enr 628 (Chapter 3)
- SB 15**, relative to election day registration. (Election Law)  
560, K 804
- SB 16-FN**, establishing the governor's incentive and reward program. (Executive Departments and Administration)  
560, rem 695, Finance 740-741, psd 804, 823, enr 886, appointments 1016 (Chapter 200)
- SB 17**, relative to incompatible offices. (Election Law)  
93, K 804
- SB 18-FN**, relative to vehicle stops at railroad grade crossings. (Transportation)  
560, rem 674, K 689
- SB 19-FN**, relative to notification of groundwater contamination and requiring a certain report from the department of environmental services. (Resources, Recreation and Development)  
560, ret 1007
- SB 21**, relative to health insurance riders. (Commerce)  
560, am 808, psd 823, S conc 864, enr 886 (Chapter 201)
- SB 22**, amending the duties of the public higher education study committee. (Education)  
**new title:** adding to the duties of the public higher education study committee.  
184, psd 633, 668, enr am 669, enr 670, committee amended 1008 (Chapter 49)
- SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Executive Departments and Administration)  
629, am & Finance 698, psd 804, 823, S conc 864, enr am 873, enr 946 (Chapter 234)
- SB 24**, relative to license revocations for DWI offenders under the age of 21. (Criminal Justice and Public Safety)  
93, psd 632, 668, enr 669 (Chapter 37)
- SB 26**, removing the penalty against teachers who fail to keep registers. (Education)  
96, psd 633, 668, enr 669 (Chapter 41)
- SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester. (Finance)  
561, LT 824-825, Clerk's note, died on table 1002

- SB 32**, relative to municipal budget recommendations. (Municipal and County Government)  
93, psd 700, 747, enr 762 (Chapter 95)
- SB 33-FN**, establishing a putative fathers' registry in the department of health and human services. (Children and Family Law)  
559, K 674
- SB 34**, relative to independent living retirement communities. (Health and Human Services)  
559, psd 676, 690, enr am 693, enr 762 (Chapter 114)
- SB 35**, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works. (Public Works and Highways)  
629, ret 1007
- SB 36-FN**, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. (Criminal Justice and Public Safety)  
317, psd 675, 689, enr am 693, enr 762, appointments 1013 (Chapter 96)
- SB 39**, relative to the results of a preliminary breath test as evidence in court. (Criminal Justice and Public Safety)  
184, psd 675, 689, enr 747 (Chapter 57)
- SB 40**, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification. (Criminal Justice and Public Safety)  
317, rem 694, am 739-740, psd 747, S conc 798, enr 869 (Chapter 158)
- SB 41-FN**, relative to the installation of airbags. (Transportation)  
185, am 681, psd 690, S nonconc, conf 762, 873, rep adop 874, enr am 948, enr 954 (Chapter 297)
- SB 42**, relative to charitable contributions by insurance agents. (Commerce)  
**new title:** relative to insurance rebating laws.  
629, am 762-763, psd 796, S nonconc, conf 872, rep adop 875, enr 948 (Chapter 244)
- SB 43**, relative to archives and records management. (Executive Departments and Administration)  
185, psd 699, 747, enr am 747, enr 762 (Chapter 97)
- SB 44**, relative to penalties for vehicle dealers. (Transportation)  
**new title:** relative to penalties for vehicle dealers, relative to the applicability of motor vehicle inspection requirements, and relative to special number plates for certain veterans.  
**2<sup>nd</sup> title:** relative to penalties for vehicle dealers, relative to special number plates for certain veterans, and relative to the Conway Branch railroad line.  
185, am 682-683, psd 690, S nonconc, conf 803, rep adop 878, enr am 948, enr 954 (Chapter 298)
- SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. (Municipal and County Government)  
**new title:** relative to the adoption procedure, eligibility, and amounts of property tax exemptions and credits and the property tax deferral program.  
559, am 842-850, psd 855, S nonconc, conf 864, rep adop 875, enr am 948, enr 954 (Chapter 299)
- SB 46-FN**, repealing the meat inspection account and the poultry inspection account. (Finance)  
561, psd 804, 823, enr 886 (Chapter 202)
- SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. (Public Works and Highways)

**new title:** relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel, relative to a transfer of funds to the highway fund, and relative to oil import and underground storage facility fees.

317, am & Finance 701-702, am (RC)825-829, psd 855, S nonconc, conf 864, 873, rem 874, rep adop 885, enr 909 (Chapter 187)

**SB 48**, exempting housing for older persons from certain age discrimination laws. (Commerce)  
127, psd 675, 689, enr 747 (Chapter 58)

**SB 51-FN**, relative to membership on the New England Board of Higher Education. (Education)  
185, psd 633, 668, enr 669, committee amended 1008 (Chapter 38)

**SB 52**, relative to a voluntary certification program for police dogs and handlers. (Criminal Justice and Public Safety)  
127, psd 675, 689, enr 747 (Chapter 59)

**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board. (Labor, Industrial and Rehabilitative Services)  
185, rem 695, psd (RC) 741-743, 747, enr 762 (Chapter 115)

**SB 54-FN-L**, relative to the local inventory of property values for assessment of property taxes. (Municipal and County Government)

**new title:** relative to the local inventory of property values for assessment of property taxes, and relative to municipal property assessment certification goals of the department of revenue administration.

**2<sup>nd</sup> new title:** relative to the local inventory of property values for assessment of property taxes, and relative to municipal property assessment certification guidelines of the department of revenue administration.

629, rem 762, am 793-796, psd 797, S nonconc, conf 824, rep adop 878-881, enr am 948, enr 954 (Chapter 307)

**SB 56-FN**, relative to parking for persons with disabilities. (Transportation)  
185, psd 683, 690, enr 747 (Chapter 71)

**SB 57-FN**, relative to certain accounts within the fish and game fund. (Fish and Game)  
185, psd 676, 690, enr 747 (Chapter 60)

**SB 58-FN-A**, relative to the net operating loss under the business profits tax. (Ways and Means)  
629, am & Finance 702, psd 804-805, 823, S conc 864, enr 886 (Chapter 203)

**SB 59-FN**, relative to administrative license suspension hearings. (Criminal Justice and Public Safety)  
317, rem 695, am & LT 740, Clerk's note, died on table 1002

**SB 60-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment. (Executive Departments and Administration)

**new title:** relative to voluntary certification of persons installing or servicing propane gas, natural gas, or heating oil equipment.

561, am 769, psd 796, S nonconc, conf 824, 873, rep adop 875, enr 954 (Chapter 300)

**SB 62**, relative to the application and enforcement of the state building code. (Municipal and County Government)

**new title:** relative to the application and enforcement of the state building code and the membership of the state building code review board.

182, am 850-852, psd 855, S nonconc, conf 864, rep adop 875, enr 948 (Chapter 245)

**SB 63-FN-A-L**, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. (Ways and Means)  
629, am & Finance 730-732, am 829, psd 855, S nonconc conf 869, rep adop 875, enr 954 (Chapter 301)

- SB 64-FN**, relative to updating the drought management plan. (Resources, Recreation and Development)  
564, K 774
- SB 66-FN-A-L**, limiting the exemption from the meals and rooms tax for sales of alcoholic beverages by voluntary nonprofit organizations operating under one-day licenses from the liquor commission. (Ways and Means)  
559, psd 683, 690, enr 747 (Chapter 61)
- SB 67**, relative to a report on municipal water needs. (Resources, Recreation and Development)  
182, K (RC) 852-854
- SB 68**, authorizing electronic certification of educational credentials. (Education)  
316, psd 633, 668, enr 669 (Chapter 39)
- SB 69-FN-A**, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. (Education)  
561, Finance 697-698, psd 805, 823, enr am 873, enr 915 (Chapter 235)
- SB 70**, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan. (Resources, Recreation and Development)  
629, am 787, psd 797, S nonconc, conf 865, rep adop 875-876, enr 946, appointments 1013 (Chapter 236)
- SB 71-FN-A**, establishing a committee to study improving access, affordability, and alternatives in health insurance for New Hampshire consumers. (Commerce)  
559, K 696
- SB 72**, relative to the regulation of small loans, title loans, and payday loans. (Commerce)  
561, rem 694, am (RC) 732-739, psd 747, S nonconc, conf 802, rep adop 876, enr am 949, enr 954 (Chapter 308)
- SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District. (Municipal and County Government)  
**new title:** establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Corporate Park Tax Increment Financing District.  
560, am 773, psd 797, S conc 839, enr am 872, enr 886, appointments 1013 (Chapter 213)
- SB 74-FN-A-L**, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. (Municipal and County Government)  
317, ret 1007
- SB 76**, relative to the process for nonrenewal of teacher contracts. (Education)  
316, psd (RC) & protest 816-820, psd 823, enr 886 (Chapter 204)
- SB 77**, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. (Municipal and County Government)  
**new title:** relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.  
316, am 805-808, psd 823, S conc 864, enr 886 (Chapter 205)
- SB 78-FN**, establishing the New Hampshire health care information council. (Health, Human Services and Elderly Affairs)  
629, ret 1007

- SB 79-FN-L**, relative to penalties for the exhibition of fighting animals. (Criminal Justice and Public Safety)  
560, psd 675, 689, enr am 693, enr 792 (Chapter 98)
- SB 80**, relative to vocational education and the automotive technology curriculum. (Education)  
629, Finance 698, psd 805, 823, enr 886, appointments 1016-1017 (Chapter 214)
- SB 82-FN**, relative to awards of fees and interest under workers' compensation. (Labor, Industrial and Rehabilitative Services)  
316, rem 695, psd (RC) 744-746, 747, enr am 749, enr 762 (Chapter 99)
- SB 83**, relative to paralegals and legal assistants. (Judiciary)  
561, K & protest 781-782
- SB 85-FN**, making certain revisions to the special education laws. (Education)  
561, am & Finance 683-684, am 805, psd 823, S conc 864, enr 886 (Chapter 215)
- SB 86-FN**, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect child fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. (Children and Family Law)  
**new title:** relative to disclosure of certain information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services, and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.  
561, am & Finance, 695-696, am 805-806, psd 823, S conc 864, enr 886, report date extended 1008 (Chapter 206)
- SB 87**, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. (Environment and Agriculture)  
**new title:** changing the membership of the commission to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.  
560, am 775-776, psd 797, S nonconc, conf 824, rep adop 876, enr am & enr 948, appointments 1014 (Chapter 302)
- SB 90-FN**, increasing the cap for relocation assistance for businesses in eminent domain proceedings. (Public Works and Highways)  
561, Finance 677, psd 806, 823, enr 886 (Chapter 207)
- SB 91**, extending the committee to study eminent domain proceedings and adding certain duties. (Public Works and Highways)  
561, psd 677, 690, enr 747, report date extended 1008 (Chapter 62)
- SB 94-FN**, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing. (Health, Human Services and Elderly Affairs)  
560, am 684-686, psd 690, S conc 798, enr am 859, enr 872 (Chapter 185)
- SB 95-FN-L**, relative to the development of workforce housing within municipalities. (Municipal and County Government)  
629, ret 1007
- SB 96-FN**, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
629, K 686
- SB 97**, limiting the liability of firefighters working for certain private firefighting units. (Judiciary)  
560, K 772

- SB 98-FN**, prohibiting telemarketers from contacting customers on a federal do-not-call registry. (Commerce)  
317, am 703, psd 747, S nonconc, conf 802, rep adop 881-884, enr 954 (Chapter 303)
- SB 99**, relative to high cost mortgage loans. (Commerce)  
561, ret 1007
- SB 101-FN**, relative to unemployment compensation. (Labor, Industrial and Rehabilitative Services)  
629, psd 729, 747, enr am 749, enr 762 (Chapter 116)
- SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. ( Health, Human Services and Elderly Affairs)  
185, am 567, psd 627, S conc 669, enr am 672, enr 673 (Chapter 54)
- SB 107-FN-A-L**, establishing a statewide education accountability system. (Education)  
629, am & Finance 705-713, am 829-831, psd 855, S nonconc 864
- SB 110**, relative to small group health insurance coverage. (Commerce)  
**new title:** relative to small group health insurance coverage and relative to health plan loss information.  
561, am (RC) 808-816, psd 823, S conc 864, enr 883, appointments 1017 (Chapter 188)
- SB 113**, changing the name of Plymouth state college to Plymouth state university. (Executive Department and Administration)  
**new title:** changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission.  
317, am (RC) 777-780, psd 797, S conc 839, enr am 859, enr 872 (Chapter 159)
- SB 114**, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. (Education)  
629, am 713-715, psd 747, S conc 798, enr am 859, enr 872 (Chapter 186)
- SB 115**, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. (Ways and Means)  
561, Finance 688, am 831-832, psd 855, S nonconc, conf 865, rep adop 884, enr 948 (Chapter 246)
- SB 116**, establishing a committee to study methods to prevent or reduce the high school dropout rate. (Education)  
629, psd 775, 797, enr 869, appointments 1014 (Chapter 160)
- SB 119**, relative to medical and hospital liability insurance. (Judiciary)  
629, am 782-783, psd 797, S conc 839, enr 886 (Chapter 208)
- SB 120**, relative to testimony by video teleconference in criminal cases. (Criminal Justice and Public Safety)  
561, am 766, psd 796, S nonconc, conf 824, rep adop 876-877, enr 948 (Chapter 247)
- SB 121-FN**, relative to mortgage originator registration. (Commerce)  
**new title:** relative to mortgage originators.  
316, am 703-704, psd 747, S nonconc, conf 802, rep adop 877, enr 954 (Chapter 304)
- SB 122**, relative to the regulation of first mortgage brokers. (Commerce)  
560, K 696-697
- SB 123**, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. (Election Law)  
316, K (RC) 820-822

- SB 128-FN**, transferring the bureau of vital records and health statistics from the department of health and human services to the department of state. (Executive Departments and Administration)  
561, ret 1007
- SB 129**, relative to the board of tax and land appeals and eminent domain cases. (Public Works and Highways)  
561, psd 677, 690, enr 747 (Chapter 63)
- SB 130-FN-L**, relative to county departments of corrections. (Municipal and County Government)  
561, am & Criminal Justice 700-701, am 766-768, psd 796, S conc 839, enr am 873, enr 946 (Chapter 237)
- SB 131**, establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured. (Commerce)  
629, K 697
- SB 132-FN-A**, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor. (Education)  
629, Finance 715, ret 1007
- SB 133**, relative to amending the charter of Dartmouth college. (Education)  
561, psd 769, 796, enr 869 (Chapter 161)
- SB 134**, relative to the regulation of real estate brokers by the real estate commission. (Executive Departments and Administration)  
560, rem 762, am 790-791, psd 797, S nonconc, conf 824, rep adop 884, enr 948 (Chapter 268)
- SB 135**, relative to hotel keeper liability for personal care services. (Commerce)  
**new title:** relative to hotelkeeper or innkeeper liability for personal child care services.  
560, am 697, psd 747, S conc 798, enr 869 (Chapter 162)
- SB 136**, relative to liability for hazardous materials accidents. (Environment and Agriculture)  
629, am 776-777, psd 797, S conc 839, enr 886 (Chapter 209)
- SB 138-FN**, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs. (Ways and Means)  
630, psd 683, 690, enr 747 (Chapter 64)
- SB 139**, relative to exhibition fees charged by the boxing and wrestling commission. (Ways and Means)  
317, am 702, psd 747, S conc 798, enr 869 (Chapter 163)
- SB 140**, establishing an optional renewal period for licenses to carry a pistol or revolver. (Education)  
561, rem 674, rcmt 688-687, K 775
- SB 142-FN**, relative to advertisements on utility poles and highway signs. (Public Works and Highways)  
561, am 677, psd 690, S conc 750, enr 801 (Chapter 136)
- SB 143**, establishing a commission to study and review the regulation of the building trades. (Executive Department and Administration)  
317, K 699
- SB 145-FN-A**, relative to the duties of the board of trustees of the department of regional community-technical colleges. (Education)  
561, psd 676, 689, enr 747, S sustained veto 999
- SB 146**, relative to eligible costs for training grants in the job training program for economic growth. (Labor, Industrial and Rehabilitative Services)  
317, K 699

- SB 147**, establishing a committee to study alternative strategies to relieve the property tax burden on private educational institutions and to encourage scholarships to New Hampshire students. (Ways and Means)  
316, K 683
- SB 148-FN**, relative to the regulation of water treatment equipment installers by the plumber's board. (Executive Departments and Administration)  
630, am & K 780-781
- SB 149-FN**, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud. (Criminal Justice and Public Safety)  
561, am 768-769, psd 796, S conc 839, enr 886 (Chapter 210)
- SB 152**, relative to health insurance coverage for prosthetic devices. (Commerce)  
317, rem 762, am 788-789, psd 797, S conc 839, enr 886 (Chapter 216)
- SB 154**, relative to landlord access to rental properties. (Judiciary)  
473 am 772-773, psd 796, S nonconc, conf 824, 873, rep adop 877, enr 948 (Chapter 271)
- SB 155**, establishing a commission to study issues relative to water withdrawals. (Resources, Recreation and Development)  
**new title:** establishing a commission to study issues relative to groundwater withdrawals.  
317, am 787-788, psd 797, S nonconc, conf 824, 873, rep adop 884-885, enr am 948, enr 954, appointments 1014-1015 (Chapter 305)
- SB 157**, establishing a committee to study the vesting of development rights. (Municipal and County Government)  
**new title:** establishing a committee to study certain issues relative to municipal planning.  
317, rem 695, rcmt 746, am 773-774, psd 797, S conc 839, enr 872, appointments 1015 (Chapter 179)
- SB 159-FN**, relative to milfoil and other exotic aquatic weeds. (Transportation)  
630, ret 1007
- SB 161**, relative to procedures in eminent domain proceedings. (Public Works and Highways)  
561, am & Finance 677-679 rem 804, am 854\*855, psd 855, S conc 864, enr 886 (Chapter 211)
- SB 162**, establishing a committee to study water resources. (Resources, Recreation and Development)  
317, am 774, psd 797, S conc 839, enr 886, appointments 1017 (Chapter 217)
- SB 163**, relative to the procedures of the health services planning and review board. (Health, Human Services and Elderly Affairs)  
561, am & Finance 715-729, am (RC)832-836, psd 855, S nonconc, conf 865, 873, (no report filed) Clerk's note 1003
- SB 164**, relative to the unauthorized use of a financial institution's name. (Commerce)  
**new title:** relative to the unauthorized and deceptive use of a financial institution's name.  
316, am 763-764, psd 796, S conc 839, enr am 873, enr 915 (Chapter 238)
- SB 165**, relative to the voluntary dissolution of nondepository trust companies. (Commerce)  
317, psd 675, 689, enr 747 (Chapter 65)
- SB 166**, establishing a committee to study methods for the state to create incentives for school districts to provide mentoring for beginning teachers. (Education)  
473, psd 676, 689, enr 747, appointments 1015 (Chapter 72)
- SB 168**, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. (Judiciary)  
630, K 773



- SB 169**, relative to frivolous actions against the state concerning state construction projects. (Public Works and Highways)  
561, K (RC) 783-786
- SB 170**, relative to Public Service of New Hampshire. (Science, Technology and Energy)  
560, psd 633, 668, enr am & enr 668, committee amended 1008 (Chapter 21)
- SB 171**, regulating non-agricultural activities which may cause the introduction and spread of infectious wildlife diseases. (Fish and Game)  
316, psd 676, 690, enr 747 (Chapter 66)
- SB 172-FN**, increasing certain fees charged by the secretary of state. (Ways and Means)  
185, K 683
- SB 173**, relative to certain historical and recreational facilities. (Public Works and Highways)  
317, psd 679, 690, enr 747 (Chapter 67)
- SB 174**, relative to scheduled permanent impairment awards and remedial care under workers' compensation. (Labor, Industrial and Rehabilitative Services)  
561, am 699-700, psd 747, S nonconc, conf 802, rep adop 877-878, enr 948 (Chapter 269)
- SB 176**, relative to standards for plats recorded in the registry of deeds. (Municipal and County Government)  
317, ret 1007
- SB 177**, relative to credit unions. (Commerce)  
561, psd 764, 796, enr 869 (Chapter 164)
- SB 178**, relative to guaranty funds. (Commerce)  
560, psd 764, 796, enr am 859, enr 872 (Chapter 184)
- SB 179-FN-A**, relative to positions in the banking department. (Executive Departments and Administration)  
560, Finance 699, am 806, psd 823, S conc 864, enr 872, S overrode veto 99, veto sustained (RC) 999-1001
- SB 180**, making certain changes in the banking laws. (Commerce)  
560, psd 764, 796, enr 869 (Chapter 165)
- SB 181**, relative to investigations by and license revocation appeals to the board of trust company incorporation. (Commerce)  
560, psd 764, 796, enr 869 (Chapter 166)
- SB 184**, relative to reinsurance.  
**new title:** relative to reinsurance and relative to the unclaimed property of a demutualized insurance company. (Commerce)  
630, am 765, psd 796, S conc 839, enr 886 (Chapter 218)
- SB 188-L**, establishing a commission to study improving the enforcement of traffic laws in high traffic areas. (Transportation)  
316, K 774
- SB 190**, relative to community living facilities. (Health, Human Services and Elderly Affairs)  
630, psd 676, 690, enr 747 (Chapter 73)
- SB 193**, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles. (Legislative Administration)  
630, psd 783, 797, enr 869, report date extended 1007, 1008 (Chapter 167)
- SB 197-FN**, relative to extended unemployment benefits and making an appropriation therefor. (Finance)  
560, psd 806, 823, enr am 873, enr 915 (Chapter 239)

**SB 198**, relative to a certain highway sign in Concord. (Public Works and Highways)  
317, psd 679, 690, enr 747 (Chapter 74)

**SB 199**, revising the nurse practice act. (Executive Departments and Administration)  
561, ret 1007

**SB 201**, establishing a committee to study insurance practices relative to homeowner's insurance.  
(Commerce)  
561, K 765-766

**SB 206-FN**, relative to the registration of OHRVs used as grooming equipment for cross country ski trails. (Resources, Recreation and Development)  
317, am 679-680, psd 690, S conc 750, enr 801 (Chapter 120)

**SB 210**, relative to the administrative procedures of the real estate commission. (Executive Department and Administration)  
317, K 699

**SB 212**, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers. (Executive Departments and Administration)  
**new title:** requiring fiscal impact statements for interim administrative rules, prohibiting agencies from requiring by rule the submission of social security numbers, and authorizing certain agencies to collect social security numbers.  
473, rem 762, am 791-793, psd 797, S nonconc, conf 865, rep adop 878, enr 954 (Chapter 309)

**SB 215-FN**, relative to the use of prerecorded telephone messages for political advocacy. (Executive Departments and Administration)  
473, ret 1007

**SB 219**, relative to superior court notice to health care regulatory boards of felony convictions of health care providers. (Judiciary)  
317, psd 676, 690, enr 747 (Chapter 68)

**SB 221-FN**, relative to the offense of obstructing government administration by the use of simulated legal process. (Criminal Justice and Public Safety)  
630, am 705, psd 747 S conc 798, enr 869 (Chapter 168)

**SB 222-FN-A**, relative to motor vehicle fees. (Transportation)  
630, rcmt 687-688, ret 1007

**SB 223-FN-A**, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. (Ways and Means)  
**new title:** relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund, and relative to the fire standards and training and emergency medical services report and budget.  
317, Finance 688, am (RC) 839-842, psd 855, S nonconc, conf 865, rep adop 878, enr 948 (Chapter 248)

**SB 226-L**, increasing the homestead exemption. (Judiciary)  
561, psd 782, 797, enr 869 (Chapter 169)

**SB 227**, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry. (Executive Departments and Administration)  
**new title:** relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals; and relative to the board of podiatry; and relative to possession of prescription medication by licensed nurses.  
560, am 770-772, psd 796, S nonconc, conf 865, rep adop 885, enr am 949, enr 954 (Chapter 310)

**SB 229**, making reference changes to the school building aid statutes. (Education)

**new title:** changing the responsibility for administering the school building aid program and authorizing the Conway school district to hold a special meeting.

561, rem 762, am 790, psd 797, S nonconc, conf 865, rep adop 885, enr 954 (Chapter 306)

## 2003 SESSION

### SENATE JOINT RESOLUTIONS

**SJR 1**, approving certain uses of Weeks state park. (Resources, Recreation and Development)

316, psd 702, 747, enr am 749, enr 762 (Chapter 94)

## 2003 SESSION

### SENATE CONCURRENT RESOLUTIONS

**SCR 2**, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen. (State-Federal Relations and Veterans Affairs)

316, am 680-681, adop 690, S conc 750

**SCR 3**, urging maintenance of funding for the Low Income Home Energy Assistance Program. (Science, Technology and Energy)

560, adop 633, 668, enr am 669

**SCR 4**, urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air Act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality. (Science, Technology and Energy)

630, adop 729, 747

## 2003 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

**CACR 1**, relating to the support of religious schools. Providing that the language in article 6 of the first part of the New Hampshire constitution, which states that "But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination." shall be deleted from the article and the language in article 83 of the second part of the New Hampshire constitution which states that "": *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. (Arnold, Hills 46: Education)

25, K 324-325

**CACR 2**, relating to the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education. Providing that judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis. (Pepino, Hills 51; et al: Education)

25, ret 1006

**CACR 3**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. (Phinizy, Sull 23; et al: Judiciary)

25, K (RC) 107-110

**CACR 4**, relating to the use of revenues for educational purposes. Providing that all moneys from the education trust fund be used exclusively for state aid to education. (McCormick, Merr 32: Finance)

38, K 411

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (Mock, Carr 4; et al: Judiciary)  
25, ret 1006

**CACR 6**, relating to the encouragement of literature. Providing that it shall be the duty of the legislators and magistrates to not hinder, impede or obstruct the interest of literature and the sciences. (Bickford, Straf 68: Education)  
38, K 286

**CACR 7**, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. (J. Pratt, Ches 24: Election Law)  
38, K 327-328

**CACR 8**, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. (DiFruscia, Rock 76; et al: Executive Departments and Administration)  
42, K 168-169

**CACR 9**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2005 be commissioned for 7-year terms, which may be renewed. (J. Wheeler, Hills 47; et al: Judiciary)  
44, ret 1006

**CACR 10**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. (Norelli, Rock 86; et al: Judiciary)  
53, ret 1007

**CACR 11**, relating to legislative acts as expressions of the sovereign will of the people. Providing that every act of the legislature enacted in accordance with the procedures of the constitution shall be conclusively presumed to be constitutional as the expressed will of the people. (Sorg, Graf 11; et al: Judiciary)  
68, K 490

**CACR 12**, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. (Crane, Hills 59; et al: Judiciary)  
68, K 490-491

**CACR 13**, relating to defining the extent of state responsibility to provide aid for public elementary and secondary education. Providing that the state shall provide aid to school districts with a fiscal capacity that is less than their education need and the aid shall be a minimum of 31 percent of the state average expenditure per public elementary and secondary pupil, calculated at least once in every 5 years. (Gionet, Graf 11; et al: Education)  
68, ret 1007

### CLERK'S NOTE

House Rules required all House legislation to be introduced in the first year of the 2003-2004 biennium. A supplemental filing period for legislation was held April 10 – 24, 2003. The introduction deadline date of June 24, 2003 was suspended. House action on supplemental legislation was held over to the 2004 legislative session.

The following Constitutional Amendment Concurrent Resolutions:

### 2004 CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

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**CACR 20**, relating to the conservation of the gravel and water resources of the state. Providing that the general court may provide for special assessments, rates and taxes on gravel and water extracted from the resources of the state. (Cady, Rock 73; et al: Ways and Means)  
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- CACR 21**, relating to state education property tax exemption for certain disabled veterans. Providing that veterans with certain service connected disabilities shall be exempt from the state education property tax. (Easson, Straf 68; et al: Ways and Means)  
977
- CACR 22**, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. (Bicknell, Rock 73; et al: Ways and Means)  
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- CACR 23**, relating to oaths of civil officers. Providing that all officers, department heads in the executive branch, and town officers shall take an oath before executing the duties of their office. (L. Christiansen, Hills 66; et al: Judiciary)  
977
- CACR 24**, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. (DiFruscia, Rock 76; et al: Legislative Administration)  
977
- CACR 25**, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. ( Balboni, Hills 59; et al: Ways and Means)  
977
- CACR 26**, relating to the apportionment of representatives. Providing that representation in the house of representatives shall be as equal as one person, one vote, as defined by certain federal courts will permit. (Alger, Graf 14; et al: Election Law)  
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Question, adopt committee floor amendment. Yeas, 168; Nays, 212 .....	636-639
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HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. Question, adopt amended committee report. Yeas, 251; Nays, 126 .....	665-667
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HB 55, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. Question, adopt majority report of inexpedient to legislate. Yeas, 267; Nays, 97 .....	166-168
HB 60, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species. Question, pass over governor's veto. Yeas, 159; Nays, 181 .....	982-984
HB 77, establishing a committee to study the process of de novo appeals from the district courts. Question, adopt majority report of ought to pass. Yeas, 296; Nays, 73 .....	111-113
HB 82, to change the name of "Boott Spur" to Mount Reagan. Question, adopt majority committee report of ought to pass with amendment. Yeas, 213; Nays, 130 .....	309-311
HB 104-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. Question, adopt committee report of ought to pass with amendment. Yeas, 237; Nays, 45 .....	105-107
HB 122, relative to an informed jury. Question, adopt majority report of ought to pass with amendment. Yeas, 220; Nays, 149 .....	492-494
HB 135-FN-L, relative to charter schools. Question, adopt majority committee report of ought to pass. Yeas, 242; Nays, 121 .....	162-164
HB 164-FN-A, increasing the gross premiums tax on insurance provided by certain unlicensed companies. Question, adopt committee report of ought to pass. Yeas, 340; Nays, 34 .....	117-119
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HB 191, establishing a commission to study the school administrative unit system. Question, adopt committee report of inexpedient to legislate. Yeas, 293; Nays, 75 .....	100-102
HB 193, relative to the right to life. Question, adopt majority report of inexpedient to legislate. Yeas, 253; Nays, 119 .....	114-116
HB 257, relative to the nomination of political candidates. Question, adopt committee report of inexpedient to legislate. Yeas, 250; Nays, 112 .....	451-453
HB 278-FN, relative to certain acts of sexual assault. Question, pass over governor's veto. Yeas, 49; Nays, 293 .....	987-989
HB 284, relative to the issuance of bonds in school districts and municipalities using the official ballot. Question, adopt majority committee report of inexpedient to legislate. Yeas, 239; Nays, 120 .....	204-206
HB 306, relative to the procedure for determining the order of names on the general election ballot. Question, adopt majority report of inexpedient to legislate. Yeas, 255; Nays, 108 .....	454-456
HB 330, relative to public utilities mergers and acquisitions. Question, adopt committee report of inexpedient to legislate. Yeas, 308; Nays, 52 .....	280-282

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HB 337-FN-A-L, relative to state funding of county correctional facilities. Question, adopt committee report of inexpedient to legislate. Yeas, 239; Nays, 96 .....	176-178
HB 370-FN, relative to the dispensing of lucky 7 tickets. Question, adopt majority report of inexpedient to legislate. Yeas, 272; Nays, 93 .....	540-542
HB 386, establishing a committee to study individual development accounts. Question, adopt committee report of inexpedient to legislate. Yeas, 250; Nays, 110 .....	341-344
HB 399, establishing the town of East Derry. Question, adopt majority report of inexpedient to legislate. Yeas, 279; Nays, 69 .....	514-517
HB 401, relative to approvals under the groundwater protection act. Question, adopt minority report of inexpedient to legislate. Yeas, 212; Nays, 148 .....	534-536
HB 415, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors. Question, adopt committee amendment. Yeas, 243; Nays, 115 .....	443-445
HB 425, establishing the prescription drug cost task force. Question, adopt majority committee report of inexpedient to legislate. Yeas, 218; Nays, 138 .....	194-197
HB 454, relative to property rights and large groundwater withdrawals. Question, adopt committee report of inexpedient to legislate. Yeas, 288; Nays, 74 .....	277-280
HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. Question, adopt conference committee report. Yeas, 224; Nays, 129 .....	891-893
HB 579-FN, abolishing all requirements for certificates of title for motor vehicles. Question, adopt committee report of inexpedient to legislate. Yeas, 298; Nays, 35 .....	179-181
HB 581-FN-L, requiring a death record for an aborted fetus. Question, adopt committee report of inexpedient to legislate. Yeas, 292; Nays, 67 .....	197-199
HB 592-FN, relative to funding the compensation and benefits of teachers. Question, adopt committee report of inexpedient to legislate. Yeas, 326; Nays, 30 .....	325-327
HB 603-FN-L, requiring school districts to reimburse a portion of per pupil costs directly to parents or legal guardians of pupils who do not attend a public school. Question, adopt majority report of inexpedient to legislate. Yeas, 250; Nays, 112 .....	448-450
HB 606, establishing a right-to-know study commission. Question, adopt conference committee report. Yeas, 244; Nays, 111 .....	894-896
HB 608-FN-L, reducing the education property tax rate and relative to the base cost for calculating adequate education grants. Question, adopt motion to postpone indefinitely. Yeas, 141; Nays, 213 .....	254-257
Question, adopt floor amendment. Yeas, 128; Nays, 228 .....	257-259
Question, adopt majority committee report of ought to pass with amendment. Yeas, 205; Nays, 151 .....	259-262
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Question, adopt majority amendment. Yeas, 215; Nays, 153 .....	595-598
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Question, adopt majority report of ought to pass with amendment. Yeas, 217; Nays, 146 .....	604-607
Question, nonconcur with Senate amendment and request a conference committee. Yeas, 178; Nays, 89 .....	856-858
Question, adopt conference committee report. Yeas, 196; Nays, 154 .....	896-899
HB 611-FN-A, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions. Question, adopt committee report of inexpedient to legislate. Yeas, 304; Nays, 48 .....	283-285
HB 621-FN-A-L, establishing an early childhood literacy program. Question, adopt majority committee report of ought to pass. Yeas, 243; Nays, 118 .....	230-233
Question, adopt committee report of ought to pass with amendment. Yeas, 193; Nays, 181 .....	581-583
Question, reconsideration. Yeas, 161; Nays, 190 .....	624-627
HB 623-FN-A, repealing RSA 77, relative to taxation of incomes. Question, adopt majority committee report of inexpedient to legislate. Yeas, 213; Nays, 133 .....	207-209
HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud. Question, adopt amended majority report. Yeas, 255; Nays, 109 .....	469-472

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HB 643-FN, relative to establishing the family division of the courts statewide. Question, adopt majority report of ought to pass. Yeas, 263; Nays, 98 .....	243-245
HB 663-FN-A-L, relative to county and state funding of long-term care medical programs. Question, adopt conference committee report. Yeas, 322; Nays, 14 .....	899-901
HB 693-FN, relative to the jurisdiction and constitution of the ballot law commission. Question, adopt majority committee report of ought to pass with amendment. Yeas, 244; Nays, 119 .....	329-332
HB 701-FN, relative to fees for low-digit number plates. Question, adopt committee report of inexpedient to legislate. Yeas, 269; Nays, 83 .....	335-337
HB 705, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wood poles and conduits. Question, adopt conference committee report. Yeas, 159; Nays, 172 .....	902-904
HB 717-FN-L, relative to targeted aid to education. Question, adopt majority committee report of ought to pass with amendment. Yeas, 209; Nays, 135 .....	268-270
HB 719-FN-A, relative to the duties, function, and operation of the Peace development authority. Question adopt committee report of ought to pass with amendment. Yeas, 234; Nays, 109 .....	306-308
HB 724-FN-L, extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit. Question, pass over governor's veto. Yeas, 251; Nays, 101 .....	990-992
HB 737-FN-A, relative to the state conservation commission. Question, pass over governor's veto. Yeas, 174; Nays, 186 .....	993-995
HB 745, relative to voters presenting identification to obtain a ballot. Question, adopt majority committee report of ought to pass. Yeas, 212; Nays, 94 .....	287-289
HB 763-FN, requiring parental notification before abortions may be performed on unemancipated minors. Question, adopt majority report of ought to pass with amendment. Yeas, 187; Nays, 181 .....	498-500
Question, reconsideration. Yeas, 174; Nays, 196 .....	500-503
Question, lay on table. Yeas, 175; Nays, 198 .....	752-755
Question, concur with Senate amendment. Yeas, 197; Nays, 176 .....	755-757
Question, reconsideration. Yeas, 172; Nays, 200 .....	758-760
HB 788-FN-A, repealing the certificate of need law. Question, adopt majority report of ought to pass with amendment. Yeas, 233; Nays, 122 .....	302-304
HB 789, relative to a nonbinding referendum to measure voter support for casino gambling in New Hampshire. Question, adopt committee report of inexpedient to legislate. Yeas, 285; Nays, 76 .....	338-340
HB 796-FN-L, relative to the taxation of manufactured housing and relative to the notice required prior to the sale of a recreational campground. Question, pass over governor's veto. Yeas, 40; Nays, 316 .....	996-998
HB 811, relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof, and relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. Question, adopt committee report of ought to pass with amendment. Yeas, 278; Nays, 92 .....	504-506
Question, adopt conference committee report. Yeas, 259; Nays, 71 .....	905-907
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HCR 13, declaring the health rights of the citizens of New Hampshire. Question, adopt majority report of inexpedient to legislate. Yeas, 248; Nays, 115 .....	201-203
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OHRVs, regulation of use which may affect abutters of property .....	HB 335
or building codes, building permits withheld after notice of proposed changes, time limit .....	HB 446
second violation of same ordinance, penalties increased .....	HB 713
planning and land use boards, members, procedures for designating alternates; rules of order adopted each year .....	HB 474

**Zoning (cont.)**

planning boards	
applications, disapproval by vote of legislative body of the town, procedure .....	HB 397
subdivision and site plan review, payment for off-site improvements may be required .....	HB 531
residential developments, methods of accelerating appeals of denials, study .....	HB 315
smart growth, positions established in office of state planning and at UNH; funded	
by surcharge on building permits .....	HB 649
subdivisions	
plans, fee for review increased .....	SB 115am
regulations, innovative land use controls may be required; density development rights;	
preliminary review and pre-application review .....	HB 761
with potential regional impact, initial plans must be submitted to regional	
planning commission .....	HB 295
with regional impact defined to include ridge-line or above developments .....	HB 294
vesting of development rights and off-site improvements, study .....	SB 157am































